

# MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

## REGULAR MEETING OF

**AUGUST 24, 2001**

(Published September 1, 2001,  
in *Finance and Commerce*)

Room 132 City Hall.

250 South 5<sup>th</sup> Street

Minneapolis, Minnesota

August 24, 2001 - 9:30 a.m.

Council President Cherryhomes in the Chair.

Present - Council Members Niland, Goodman, Colvin Roy, McDonald, Mead, Lane, Johnson, Thurber, Ostrow, Campbell, Council President Cherryhomes.

Absent - Biernat.

Campbell moved acceptance of the minutes of the adjourned session held August 9 , the regular meeting of August 10, and the adjourned session held August 20, 2001. Seconded.

Adopted upon a voice vote.

Campbell moved referral of petitions and communications and reports of the City officers to proper Council committees and departments. Seconded.

Adopted upon a voice vote.

## PETITIONS AND COMMUNICATIONS

### COMMUNITY DEVELOPMENT:

COUNCIL MEMBER NILAND (267198)

Mpls Neighborhood Information System update report.

### COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (267199)

Single Family HOME Program: Changes to HOME Program, adopting new Resale Restrictions for projects developed in Non-Presumption of Availability and Affordability neighborhoods.

Fraser (3333 University Ave SE): Resolution granting final approval to issue bonds to finance facility for children with developmental achievement disorders.

GRANTS AND SPECIAL PROJECTS (267200)

FY2000 Consolidated Annual Performance & Evaluation Report, w/Attachment.

### COMMUNITY DEVELOPMENT and TRANSPORTATION & PUBLIC WORKS and W&M/BUDGET (See Rep):

GRANTS AND SPECIAL PROJECTS (267201)

Transportation Equity Action for the 21st Century: Authorize submittal of applications for funds & commit local funds.

**COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET:**

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (267202)  
2000 Annual Tax Increment Disclosure Report.

**COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET (See Rep):**

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (267203)

Bottineau Redevelopment Plan & Tax Increment Financing Plan: Adopt Plans for assistance in three rental & for-sale housing projects at 18th & University Ave NE, w/Attachments.

Bottineau Commons East: Resolution granting preliminary approval to issue tax-exempt bonds for housing project at 18th & University Ave NE.

Village At St Anthony Falls Project: Acceptance of contamination cleanup grants from MN Dept of Trade & Economic Development & Metropolitan Council for former Lupient Buick site.

Southeast Mpls Industrial Area: Acceptance of Empowerment Zone grant funds for acquisition of properties within Phase 7.

Coliseum Building Project (2700 E Lake St): Request appropriation increase to cover unbudgeted sewer access charges & waive 3% administrative fee.

MCDA Flipping Project: Authorize reallocation of funds from Infill/Lot Reduction Program to provide match for MN Housing Finance Agency grant.

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (267204)

Pantages (Mann) Theatre Project: Authorize public bid for renovation of Pantages Theatre & Stimson Bldg, 708 Hennepin Ave; Request rescind Council action of 3/24/00 approving sale of Stimson Bldg to Historic Theatre Group.

Pantages, Orpheum & State Theatres: Resolution granting approval to issue bonds to renovate Pantages, improve Orpheum & State Theatres & refund existing Orpheum bonds & renovate Stimson Bldg.

**HEALTH AND HUMAN SERVICES and WAYS & MEANS/BUDGET (See Rep):**

HEALTH AND FAMILY SUPPORT SERVICES (267205)

Youth Development Initiatives for 2002-2003: Issue Request for Proposals for initiatives to be funded through Youth Risk Behavior Endowment funds from Minnesota Department of Health.

Welfare-to-Work Services: Accept grant award and execute grant agreement with Minnesota Department of Economic Security for continuation of employment and training services to eligible participants, and Approve appropriation.

Adolescent Parenting Project: Accept grant award and execute grant agreement with Minneapolis Public Schools to provide a broad based, comprehensive case management system to support pregnant and parenting students at Patrick Henry and Edison High Schools; Authorize hire 1.0 Public Health Social Worker position; and Approve appropriation.

PURCHASING (267206)

Bid: OP #5669, accept only bid of Sustainable Resources Center for lead reduction services.

**INTERGOVERNMENTAL RELATIONS and WAYS & MEANS/BUDGET (See Rep):**

LIAISON/FEDERAL, LOCAL AND STATE (267207)

Firefighters Relief Association Benefit Plan Recodification & Revision: Pass resolution granting local approval to Minn Laws 2001, Special Session, Chapter 10, Article 15, Sections 1-16; Van Iwaarden Associates: Effect of benefit improvements.

**PUBLIC SAFETY AND REGULATORY SERVICES:**

LICENSES AND CONSUMER SERVICES (267208)

Third and Franklin Amoco (2000 3rd Av S): Consider action with respect to Gasoline Filling Station, Tobacco and Grocery Licenses for failure to complete site plan review process.

**PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):**

FINANCE DEPARTMENT (267209)

Police Department Comprehensive Plan: Execute contract with Carter Goble Associates to conduct Phase I of Plan to analyze and document current and future space and facility needs.

**INSPECTIONS DEPARTMENT (267210)**

Oil Burner Installers Board: Approve appointments of Jeffrey Johnson, representing Pipe Fitters Local 539, and Mike Hynes, representing Minnesota Mechanical Contractors Association; and Approve waiver of residency requirement, with attachments.

Raze Properties: 2912 16th Av S; 2927 Bloomington Av; 2531 18th Av S, with attachments.

**LICENSES AND CONSUMER SERVICES (267211)**

AM Tobacco & Dollar Store (1814 Nicollet Av): Business operating conditions for the granting of a Tobacco Dealer License.

Licenses: Applications, with comments on granting licenses for Dinkytowner Cafe, 412 1/2 14th Av SE; and Leaning Tower of Pizza, 2501 University Av SE.

**PUBLIC SAFETY AND REGULATORY SERVICES and WAYS & MEANS/BUDGET (See Rep):**

**EMERGENCY COMMUNICATIONS CENTER (ECC) (267212)**

Computer Assisted Dispatch (CAD)/Telephone Integration and Mapped Automatic Location Information (ALI) Solution: Negotiate and execute contract with Qwest Communications.

**POLICE DEPARTMENT (267213)**

Metro Gang Strike Force: Accept grant award and execute two-year grant agreement with State of Minnesota to fund overtime and vehicle use for eight Minneapolis officers to serve on Strike Force, and Approve appropriation.

Juvenile Prostitution Task Force Grant: Approve appropriation of grant funds awarded to Police Department in November 2000.

COPS In Schools: Accept three-year grant award from United States Department of Justice, Office of Community Oriented Policing Services, to fund salaries and fringe benefits for sworn entry level career law enforcement officers.

**PURCHASING (267214)**

Bid: OP #5645, accept low bid meeting specifications of Danko Emergency Equipment for turnout clothing for Fire Department.

**TRANSPORTATION AND PUBLIC WORKS:**

**PUBLIC WORKS AND ENGINEERING (267215)**

State Transportation Improvement Program, Year 2002-2004: Staff review of document and comment recommendations.

**BITUMINOUS ROADWAYS, INC. (267216)**

Joint Venture Asphalt Plant Proposal.

**GREENSPACE (267217)**

Composting: Suggestions for promoting composting.

**TRANSPORTATION AND PUBLIC WORKS (See Rep):**

**PUBLIC WORKS AND ENGINEERING (267218)**

Light Rail Transit - Preliminary Design Plans for 1st Av N to Northstar Corridor.

60th & 1st Flood Mitigation Project: Increase contract with Belair Excavating for disposal of contaminated soil.

City Facility at 6024 Harriet Av S: Increase architectural and design service contract with Shrock DeVetter Architects.

Chicago Av Reconstruction Projects: Establish No Parking zones and Left Turn Lanes.

Encroachment Permit for 900 Nicollet Project: Appeal of Ryan Companies US on denial of request for parking signs.

**TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET (See Rep):**

**PUBLIC WORKS AND ENGINEERING (267219)**

Standish-Ericsson Neighborhood Traffic Calming: Install speed humps utilizing NRP and funds donated by Roosevelt High School.

Animal Shelter Facility: Acquisition of property at 212 17th Av and 1705 N 2nd St and reimbursement of certain costs to the Community Development Agency.

Sidewalk Assessment Policy: Change in repayment period for sidewalk condemnation assessments.

**PUBLIC WORKS, PLANNING & MCDA (267220)**

Light Rail Transit - Nicollet Mall Station: Consider platform, conceptual architectural design, easement agreement and funding.

**PURCHASING (267221)**

Bids: OP #5677, low bid of Lametti & Sons, Inc. for pipe bursting of a sanitary sewer;

OP #5664, low bid of Chief's Towing for towing of vehicles from Zone 4;

OP #5691, low bid of Toter, Inc. for decorative litter containers.

**WAYS AND MEANS BUDGET:**

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (267222)

2000 Annual Tax Increment Disclosure Report: Receive & File.

CONVENTION & VISITORS ASSOCIATION OF GREATER MPLS (267223)

Greater Minneapolis Convention & Visitors Association Quarterly Performance Report: Receive & File 2nd Quarter 2001 report.

CONVENTION CENTER (267224)

Convention Center Expansion Project: Receive & File change management actions.

**WAYS AND MEANS BUDGET (See Rep):**

ATTORNEY (267225)

Settlement: Settle claim of Rex Rogers.

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (267226)

13th & Harmon Housing Project: Establish appropriation and revenue budget for Fund CHA for project.

CONVENTION CENTER (267227)

Convention Center Expansion Project: Change orders for contracts with Valley Building Products Co; M. G. McGrath, Inc; Crawford Door Sales Co; Shaw-Lundquist Associates, Inc (3); Grazzini Brothers & Co.

CONVENTION CENTER (267228)

Convention Center Facility Operations Manager Position: Start Lane Carlson at Step B (after first year rate) of salary schedule for position.

COORDINATOR (267229)

New Central Library Project: Approve M. A. Mortenson as Construction Manager.

Donation: Accept donation from James Ford Bell Foundation for Empowerment Zone Strategic Visioning Conference.

Metropolitan Council Livable Communities Local Housing Incentives Account Grant: Agreement with Metropolitan Council & Memorandum of Understanding with MCDA.

Phillips Eco-Enterprise Center: Section 108 Loan Agreement with Housing & Urban Development Agency, on behalf of the Green Institute.

COORDINATOR (267230)

New Central Library Project: Ratify New Central Library Implementation Committee action passed August 21, 2001 to reaffirm selection of Ellerbe Becket/Meyer Scherer & Rockcastle, RSP Architects/Hardy Holzman Pfeiffer, and Cesar Pelli/Architectural Alliance as finalists to design the new library, to be invited for second interview.

COUNCIL MEMBER CAMPBELL (267231)

National League of Cities Human Development Steering Committee Meeting: Approve funding.

FINANCE DEPARTMENT (267232)

Accounting Consulting Services: Agreement with Deloitte & Touche, LLP, relating to revision of governmental accounting and financial reporting standards.

Leased Office Space: Lease agreement with CCT Building, LLC, for Central Library Project Management Office.

**HUMAN RESOURCES (267233)**

Civil Service Commission Reappointment: Approve Ellen McVeigh.

Central Library Program Coordinator Position: Salary Ordinance.

Auto Body Technician Position: Salary Ordinance.

**INFORMATION AND TECHNOLOGY SERVICES (ITS) (267234)**

Public Health Video: Contract with Hennepin County for City to produce video.

**PLANNING COMMISSION/DEPARTMENT (267235)**

Midtown Phillips Neighborhood: Accept \$5,000 balance of NRP funds from MCDA to develop community plan.

LRT Station Planning Area at Franklin Avenue: Contract with SRF and Agreement with Metropolitan Council.

**PURCHASING (267236)**

Bid: OP #5687, accept low bid of Alpha Video and Audio, Inc. for renovation of audio-visual system.

**ZONING AND PLANNING (See Rep):**

**CITY CLERK/SPECIAL PERMITS (267237)**

1st Av N, 701 (The Committee Inc) roof-top sign;

Calhoun Square (The Clothes Line) resale shop.

**COMMUNICATIONS (267238)**

Real Estate Advisory Board: Reappoint Jean Leake, Jan Russell, Sandy (Green) Loescher, Pauline Rohrman, Paul Sigurdson, Matt Dawson, Patricia Werner, Christine Murphy Jones, Thomas Bain & Steve Havig.

**HERITAGE PRESERVATION COMMISSION (267239)**

Heritage Preservation Commission: Appoint Todd Grover.

**INSPECTIONS/BOARD OF ADJUSTMENT (267240)**

Costello, William, 4442 Pillsbury Av S: Grant appeal & approve front yard variance to allow deck; Notice of appeal & reason for; Staff report with findings & recommendations, with attached maps, drawings, photos, comments of neighbors, contract with Hage Concrete Works; Minutes.

Aandahl, Loren & Shesh, 4525 Fremont Av S: Grant variance for 7 ft fence; Notice of appeal & reason for; Staff report with findings & recommendation, with attached survey, maps, photos, memo indicating appellant & neighbor had come to agreement.; Minutes.

**PLANNING COMMISSION/DEPARTMENT (267241)**

Mount Olivet Lutheran Church, 5025 Knox Av S: Pass resolution vacating part of Knox Av; Staff report with findings & recommendation, comments of Reliant Energy Minnegasco.

Ibrahim, Mohamed, 2000 3rd Av S: Pass ordinance rezoning the south lot to allow parking for Amoco station; Staff report with findings & recommendation & attachments.

Greater Minneapolis Metropolitan Housing Corporation, 140 8th Av NE: Pass ordinance rezoning; Staff report with findings & recommendation & attachments.

Summary of Planning Commission actions of 8/6/2001 relating to Mount Olivet Lutheran Church, Mohamed Ibrahim & Greater Mpls Metropolitan Housing Corp.

**PLANNING COMMISSION/DEPARTMENT (267242)**

Stremel Manufacturing, 1323 & 1409-1411 Washington Av N: Grant appeal of Alliant Engineering Inc to delete condition requiring 30% windows from site plan review; Notice of appeal & reason for; Minutes; Staff report with findings & recommendation, attachments, including drawings, photos, Northside Jobs Park Guidelines.

**PLANNING COMMISSION/DEPARTMENT (267243)**

University of St Thomas: Delete from agenda an appeal of decision on St Thomas parking ramp at 1100, 1112 & 1118 Harmon Place.

**PLANNING COMMISSION/DEPARTMENT (267244)**

Warnert, Paul, dba Bobby & Steve's Auto World: Planning Commission: Grant appeal of Allison Little & deny conditional use permit & site plan permit; Notice of appeal & reasons for; Minutes; Staff report with findings & recommendation, attachments, including maps, drawings, photos, comments of Windom Community Council, Anna Sochocky, Heather Evans, Peter Latner, Citizens for a Sensible Nicollet Av Plan, Archie Atkinson.

Council Members McDonald & Mead: Comments from Margaret Bauman, Julie Wycoff, Jeff Brand, Cheryl Eden, Heather Evans, Linda Frichtel, Tim Helmen, Jacquelyne Kingston, Allison Little, Jeff Mihelich, Patricia Soulak, Jane Stock, Robert Timm.

Paul's Bobby & Steve's Auto World: Petition supporting new auto convenience facility signed by Debra Fortelka & 174 others.

Allison Little: Petition opposing new auto convenience facility signed by Heather Evans & 92 others.

Sally DuFour: 9 Photos of automotive businesses on corner of 58th St & Nicollet.

**COMMITTEE OF THE WHOLE:**

CITY CLERK (267245)

League of Cities Funding: Council budget information. (See W&M/Budget Report)

GRANTS AND SPECIAL PROJECTS (267246)

Transportation Equity Action (TEA-21): Project list. (See CD, T&PW & W&M/Budget Report)

**PLANNING COMMISSION:**

LAPPIN, TERRANCE/HEINRICH, GEORGE (267247)

Permission to vacate northeast half of 7th St S between 15th & 16th Aves S.

**FILED:**

CITY CLERK/SPECIAL PERMITS (267248)

8th St & Nicollet Mall (Eric Dunn) table with breakfast food;

46th & Minnehaha (Bobbi Goodwin) pony;

Marquette Av, 1001 (Johmar Farms) wild animals;

University Av NE, 2300 (German Restaurants Inc) tent;

Washington & 3rd Av (Topline Advertising) sign;

Wirth Pkwy N, 1301 (Rick Scott) petting zoo.

LIBRARY, MINNEAPOLIS PUBLIC (267249)

Component Unit Financial Report, yr end 12/31/2000.

MINNESOTA STATE OFFICES - DEPT OF TRANSPORTATION (267250)

Copy of Commissioner's Order No 85655 Revocation of Municipal State Aid Street.

PARK BOARD (267251)

Annual Financial Report, Component Unit yr end 12/31/2000.

XCEL ENERGY (267252)

Utilities: Authorize placement of poles at various locations.

**REPORTS OF  
STANDING COMMITTEES**

The **COMMUNITY DEVELOPMENT** Committee submitted the following reports:

**Comm Dev** - Your Committee, having under consideration the Fiscal Year 2000 Consolidated Annual Performance and Evaluation Report (CAPER), and having held a public hearing and received comments thereon, now recommends that staff be directed to incorporate comments received during the public hearing and any comments received during the 15-day comment period into the 2000 CAPER, and that staff be authorized to submit the CAPER to the Department of Housing and Urban Development on August 29, 2001.

Adopted. Yeas, 11; Nays none.

Absent - Biernat.

Passed August 24, 2001.

Approved August 30, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Comm Dev** - Your Committee, having under consideration a report from the Minneapolis Community Development Agency (MCDA) recommending changes to the Single Family HOME Program to meet the federal requirement that the City implement resale or recapture provisions on any properties produced using HOME funds, and having held a public hearing thereon, now recommends approval of changes to the Single Family HOME Program, adopting new Resale Restrictions for projects developed in Non-Presumption of Availability and Affordability neighborhoods, as set forth in Petn No 267199.

Your Committee further recommends that this action be transmitted to the Board of Commissioners of the MCDA.

Adopted. Yeas, 11; Nays none.

Absent - Biernat.

Passed August 24, 2001.

Approved August 30, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Comm Dev** - Your Committee, having under consideration the matter of issuing bonds on behalf of Fraser, a Minnesota non-profit corporation, to finance the construction of a 30,000 square foot facility at 3333 University Ave SE to operate as a developmental achievement center for children with autism and related disorders, and the Council having granted preliminary approval to issue such bonds on May 4, 2001, now recommends passage of the accompanying resolution granting final approval to issue up to \$1,750,000 in Tax-exempt Revenue Bonds, Series 2001 A & B for the Fraser project, as set forth in Petn No 267199.

Your Committee further recommends summary publication of the above-described resolution.

Adopted. Yeas, 11; Nays none.

Absent - Biernat.

Passed August 24, 2001.

Approved August 30, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 2001R-371, authorizing the issuance and sale of, and providing the form, terms, pledge of revenues, and findings, covenants, and directions relating to the Revenue Note (The Fraser Child and Family Center Project, 3333 University Ave SE), Series 2001A, and the Revenue Note (The Fraser Child and Family Center Project), Series 2001B, under Minnesota Statutes, Sections 469.152-469.165, to be issued to finance the acquisition and construction of a development achievement center for children with autism and related disorders, was passed August 24, 2001 by the City Council and approved August 30, 2001 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

#### **RESOLUTION 2001R-371**

**By Niland**

**Authorizing the issuance and sale of, and providing the form, terms, pledge of revenues, and findings, covenants, and directions relating to the Revenue Note (The Fraser Child and Family Center Project), Series 2001A, and the Revenue Note (The Fraser Child and Family Center Project), Series 2001B, under Minnesota Statutes, Sections 469.152-469.165, to be issued to finance the acquisition and construction of a development achievement center for children with autism and related disorders.**

Resolved by The City Council of The City of Minneapolis:

#### **Section 1. Background**

1.01. **Statutory Authorization.** The City of Minneapolis (the "City") is authorized by Minnesota Statutes, Sections 469.152 through 469.165, as amended (the "Act"), to issue revenue obligations to finance, in whole or in part, the cost of the acquisition, construction, reconstruction, improvement,

betterment, or extension of a "project," defined in the Act as any properties, real or personal, used or useful in connection with a revenue producing enterprise, for the public purposes expressed in the Act.

1.02. **The Corporation and the Project.** Fraser, a Minnesota nonprofit corporation (the "Corporation") is exempt from federal income taxation under Section 501(a) of the Internal Revenue Code of 1986, as amended (the "Code"), as a result of the application of Section 501(c)(3) of the Code. The Corporation is proposing to finance the costs of the acquisition and construction of a developmental achievement center for children with autism and related disorders located at 3333 University Avenue S. E. in the City of Minneapolis (the "Project"). The Project will be owned and operated by the Corporation.

1.03. **The Series 2001 Notes.** The Corporation has requested that the City issue its Revenue Note (The Fraser Child and Family Center Project), Series 2001A (the "Series 2001A Note"), in the original aggregate principal amount of \$1,000,000, and its Revenue Note (The Fraser Child and Family Center Project), Series 2001B (the "Series 2001B Note"), in the original aggregate principal amount of \$750,000 (the Series 2001A Note and the Series 2001B Note are hereinafter collectively referred to as the "Notes"), under the Act. The Notes are proposed to be purchased by Wells Fargo Brokerage Services, LLC (the "Registered Owner"). The proceeds derived from the sale of the Notes will be loaned to the Corporation under the terms of a Loan Agreement, dated as of August 1, 2001 (the "Loan Agreement"), between the City and the Corporation, and the Corporation will direct the application of the proceeds of the loan to the acquisition, construction and equipping of the Project.

1.04. **Security for the Notes.** The loan repayments to be made by the Corporation under the Loan Agreement will be fixed so as to produce revenue sufficient to pay the principal of, premium, if any, and interest on the Notes when due. The City will assign its rights to the basic payments and certain other rights under the Loan Agreement to the Registered Owner pursuant to the terms of an Assignment of Loan Agreement, dated as of August 1, 2001 (the "Assignment"), between the City, the Corporation and the Registered Owner. The payment of the principal of, premium, if any, and interest on the Notes will also be secured by an irrevocable direct pay letter of credit (the "Letter of Credit") issued by Wells Fargo Bank, National Association (the "Bank"), and such other security as may be required from the Borrower by the Lender. The Letter of Credit will also secure the payment of the purchase price of the Series 2001A Note in the event the Series 2001A Note, or any portion of the Series 2001A Note, is tendered for purchase and the Corporation has not provided funds sufficient to purchase the Series 2001A Note or the portion of the Series 2001A tendered for purchase.

1.05. **Documents.** Forms of the following documents have been submitted to the City Council and are now on file with the City Clerk: (i) the Notes; (ii) the Loan Agreement; (iii) the Assignment of Loan Agreement; and (iv) the Remarketing and Letter of Credit Agreement.

## **Section 2. Issuance of the Notes**

2.01. **Findings.** The City Council hereby finds, determines, and declares that:

(a) The issuance and sale of the Notes, the execution and delivery by the City of the Loan Agreement and the Assignment of Loan Agreement, and the performance of all covenants and agreements of the City contained in the Loan Agreement and the Assignment of Loan Agreement are undertaken pursuant to the Act.

(b) The Project furthers the purposes stated in Section 469.152 of the Act and constitutes a "project," as defined in Section 469.153, subdivision 2(b) and (d), of the Act.

(c) The loan repayments to be made by the Corporation under the Loan Agreement are fixed to produce revenue sufficient to provide for the prompt payment of principal of, premium, if any, and interest on the Notes issued under this resolution when due, and the Loan Agreement also provides that the Corporation is required to pay all expenses of the operation and maintenance of the Project, including, but without limitation, adequate insurance thereon and insurance against all liability for injury to persons or property arising from the operation thereof, and all lawfully imposed taxes and special assessments levied upon or with respect to the Project and payable during the term of the Loan Agreement.

(d) As provided in the Loan Agreement, the Notes shall not be payable from nor charged upon any funds other than the revenue pledged to their payment, nor shall the City be subject to any liability thereon, except as otherwise provided in this paragraph. No holder of any Notes shall ever have the right to compel any exercise by the City of its taxing powers to pay any of the Notes or the interest or premium thereon, or to enforce payment thereof against any property of the City except the interests of the City



in the Loan Agreement and the revenues and assets thereunder, which will be assigned to the Lender under the Assignment of Loan Agreement. The Notes shall not constitute a charge, lien, or encumbrance, legal or equitable, upon any property of the City, except the interests of the City in the Loan Agreement, and the revenues and assets thereunder, which will be assigned to the Lender under the Assignment of Loan Agreement. The Notes shall recite that the Notes are issued pursuant to the Act, and that the Notes, including interest and premium, if any, thereon, are payable solely from the revenues and assets pledged to the payment thereof, and the Notes shall not constitute a debt of the City within the meaning of any constitutional or statutory limitations.

**2.02. Issuance and Sale of the Notes.** The City hereby authorizes the issuance of the Notes, in the principal amount, in the form, and with the terms set forth in the forms of the Notes now on file with the City. The aggregate principal amount of the Notes, the principal amount of Notes maturing on each maturity date, the interest rates of the Notes for each maturity date, the date of the documents referenced in this resolution and the Notes, and the terms of redemption of the Notes may be established or modified with the approval of the City. The execution and delivery of the Notes shall be conclusive evidence that the City has approved such terms as subsequently established or modified. The offer of the Registered Owner to purchase the Notes at the price of par plus accrued interest, if any, to the date of delivery at the interest rate or rates specified in the Notes, is hereby accepted. The Mayor, City Clerk and Finance Officer are authorized and directed to prepare and execute the Notes as prescribed in the Loan Agreement and the Notes shall be delivered to the Registered Owner. The Finance Officer is hereby authorized to execute and deliver any agreements with any depository institution, including any representation letter or amendment to any existing representation letter, to provide for the registration of the Notes in book-entry form.

**2.03. Approval of Documents.** The Loan Agreement and the Assignment of Loan Agreement are hereby approved in substantially the forms on file with the City on the date hereof. The terms of the Loan Agreement and the Assignment of Loan Agreement, may be established or modified with the approval of the City. The execution and delivery of such documents shall be conclusive evidence that the City has approved such terms as subsequently established or modified. The Mayor, City Clerk, and Finance officer are authorized and directed to execute and deliver the Loan Agreement and the Assignment of Loan Agreement. Copies of all of the documents necessary to the transaction herein described shall be delivered, filed, and recorded as provided herein and in the Loan Agreement.

**2.04. Certifications of the City.** The Mayor, City Clerk, Finance Officer, and other officers, employees, and agents of the City are hereby authorized and directed to prepare and furnish to bond counsel and the Registered Owner certified copies of all proceedings and records of the City relating to the issuance of the Notes including a certification of this resolution. Such officers, employees, and agents are hereby authorized to execute and deliver, on behalf of the City, all other certificates, instruments, and other written documents that may be requested by bond counsel, the Registered Owner, or other persons or entities in conjunction with the issuance of the Notes. Without imposing any limitation on the scope of the preceding sentence, such officers, employees, and agents are specifically authorized to execute and deliver one or more financing statements, an arbitrage and rebate certificate, a receipt for the proceeds derived from the sale of the Notes, an order as to the application of the proceeds of the Notes, a general certificate of the City, and an Information Return for Tax-Exempt Private Activity Bond Issues, Form 8038 (Rev. December 2000).

### **Section 3. Miscellaneous**

**3.01. Agreements Binding.** All agreements, covenants, and obligations of the City contained in this resolution and in the above-referenced documents shall be deemed to be the agreements, covenants, and obligations of the City to the full extent authorized or permitted by law, and all such agreements, covenants, and obligations shall be binding on the City and enforceable in accordance with their terms. No agreement, covenant, or obligation contained in this resolution or in the above-referenced documents shall be deemed to be an agreement, covenant, or obligation of any member of the City Council, or of any officer, employee, or agent of the City in that person's individual capacity. Neither the members of the City Council, nor any officer executing the Notes, shall be liable personally on the Notes or be subject to any personal liability or accountability by reason of the issuance of the Notes.

**3.02. Rights Conferred.** Nothing in this resolution or in the above-referenced documents is intended or shall be construed to confer upon any person (other than as provided in the Notes, the Loan

Agreement, the Assignment of Loan Agreement, and the other agreements, instruments, and documents hereby approved) any right, remedy, or claim, legal or equitable, under and by reason of this resolution or any provision of this resolution.

3.03. **Validity.** If for any reason the Mayor, Finance Officer, City Clerk, or any other officers, employees, or agents of the City authorized to execute certificates, instruments, or other written documents on behalf of the City shall for any reason cease to be an officer, employee, or agent of the City after the execution by such person of any certificate, instrument, or other written document, such fact shall not affect the validity or enforceability of such certificate, instrument, or other written document. If for any reason the Mayor, Finance Officer, City Clerk, or any other officers, employees, or agents of the City authorized to execute certificates, instruments, or other written documents on behalf of the City shall be unavailable to execute such certificates, instruments, or other written documents for any reason, such certificates, instruments, or other written documents may be executed by a deputy or assistant to such officer, or by such other officer of the City as in the opinion of the City Attorney is authorized to sign such document.

3.04. **Effective Date.** This resolution shall take effect and be in force from and after its approval and publication. Immediate publication of this resolution is hereby authorized.

Adopted. Yeas, 11; Nays none.

Absent - Biernat.

Passed August 24, 2001. J. Cherryhomes, President of Council.

Approved August 30, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The **COMMUNITY DEVELOPMENT, TRANSPORTATION & PUBLIC WORKS** and **WAYS & MEANS/BUDGET** Committees submitted the following report:

**Comm Dev, T&PW & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to submit a series of applications for federal Transportation Equity Action for the 21<sup>st</sup> Century (TEA-21) funds passed through the state for the projects as listed below in the amounts indicated, and that local funds be committed per federal requirement to support the approved TEA-21 projects (Petr No 267201):

**Bridge Improvement and Replacement Program (total request \$5,889,000):**

1. First Ave S over the Hennepin County Regional Railroad Authority (\$874,000);
2. Nicollet Ave S over the Hennepin County Regional Railroad Authority (\$1,664,000);
3. Plymouth Ave Bridge over the Burlington Northern Santa Fe Railroad at Bassett's Creek (\$667,000);
4. St. Anthony Pkwy Bridge over Burlington Northern Santa Fe Railroad (\$2,684,000);

**Congestion Mitigation/Air Quality Program (CMAQ) (total request \$2,337,000):**

5. Adaptive Signal Control Expansion Project (\$1,512,000);
6. 2005 Minneapolis Bicycle Parking (\$120,000);
7. 2005 Minneapolis Transit Management Organization (\$285,000);
8. 2006 Minneapolis Bicycle Parking (\$120,000);
9. 2006 Minneapolis Transit Management Organization (\$300,000);

**Surface Transportation Program (STP) (total request \$15,401,600):**

10. Cedar Lake Trail-Phase 3 (\$2,160,000);
11. Granary Pkwy/West Bridge in SEMI (\$5,500,000);
12. Olson Memorial Highway Reconstruction (\$4,080,000);
13. Richfield Road (\$2,061,600);
14. Skyway Connection to and through the Ivy Tower Project (\$1,600,000);

**Transportation Enhancement (TE) (total request \$6,565,400):**

15. Camden Bridge Renovation (\$627,000);
16. Grand Rounds Wayfinding Improvements for Pedestrians, Bicyclists and Tourists, Phase II (\$668,000);
17. Minneapolis Bicycle Loop Detector Project (\$100,000);
18. North-South Boulevard Pedestrian/Bicycle Trail Extension (\$1,000,000);

19. St. Anthony Pkwy Bike Path (\$762,400);
20. Shoreham Roundhouse/Train Station (\$1,000,000);
21. University of Minnesota Trail-Phase 3 (\$640,000);
22. Victory Memorial Dr Bikeway (\$768,000);
23. West River Rd Trail (\$1,000,000).

Adopted. Yeas, 11; Nays none.

Absent - Biernat.

Passed August 24, 2001.

Approved August 30, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The **COMMUNITY DEVELOPMENT** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

**Comm Dev & W&M/Budget** - Your Committee, having under consideration the Bottineau Redevelopment Plan, a new housing development proposed by Sherman Associates for Bottineau Commons East, a 119 rental unit apartment building at 18<sup>th</sup> & University Ave NE (former Jubilee Foods site); Bottineau Commons West, a 32 ownership unit building on the remainder of the former Jubilee Foods site; and Bottineau Lofts, the conversion and rehabilitation of a building at 1929 - 2<sup>nd</sup> St NE into 29 rental units, artist lofts and two-story apartments, and having conducted a public hearing thereon, now recommends passage of the accompanying resolution adopting the Bottineau Redevelopment Plan and adopting the Bottineau Tax Increment Plan, as set forth in Petn No 267203.

Your Committee further recommends summary publication of the above-described resolution.

Your Committee further recommends that this action be transmitted to the Board of Commissioners of the Minneapolis Community Development Agency.

Adopted. Yeas, 11; Nays none.

Absent - Biernat.

Passed August 24, 2001.

Approved August 30, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 2001R-372, adopting the Bottineau Redevelopment Plan and the Bottineau Tax Increment Finance Plan for new housing development at 18<sup>th</sup> & University Ave NE was passed August 24, 2001 by the City Council and approved August 30, 2001 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

#### **RESOLUTION 2001R-372**

**By Niland and Campbell**

#### **Adopting the Bottineau Redevelopment Plan and the Bottineau Tax Increment Finance Plan.**

Resolved by The City Council of The City of Minneapolis:

##### **Section 1. Recitals.**

1.1. Pursuant to Laws of Minnesota 1980, Chapter 595, as amended, and the Minneapolis Code of Ordinances, Chapter 422, as amended, the Housing and Redevelopment Authority in and for the City of Minneapolis has been reorganized, granted additional powers, and designated the Minneapolis Community Development Agency (the "Agency") with the authority to propose and implement redevelopment projects and tax increment financing ("TIF") districts, among other things, all pursuant to Minnesota Statutes, Sections 469.001 to 469.068, 469.109 to 469.134, 469.152 to 469.165, and 469.174 through 469.179 as amended, except Sections 469.033, Subdivision 6, and 469.060.

1.2. It has been proposed that the Agency prepare the Bottineau Redevelopment Plan and the Bottineau TIF Plan (collectively, the "Plans") to provide the legal authority for the creation of a new

redevelopment project and a new TIF district, which Plans reflect the establishment of objectives for the redevelopment of the project, designation of project boundaries, identification of land uses, and a budget for public redevelopment costs, all pursuant to and in accordance with Minnesota Statutes, Sections 469.001 through 469.047 and 469.174 through 469.179, as amended.

1.3. The Agency has prepared, and this Council has examined the proposed Plans that describe more precisely the activities to be undertaken, the public costs, the designation of the project area, objectives for the redevelopment of the project area, including land uses for the redevelopment of the project area, a budget for expenditures, and the facts supporting the Plans. The Council has reviewed the legal authorization to establish a new TIF district for this project, and to authorize public redevelopment activities and expenditures necessary to assist this project. Anticipated public redevelopment activities include historic rehabilitation and conversion, blight remediation, tax base enhancement, economic integration, increased neighborhood livability, homeownership, environmental remediation, administration and other related activities, all pursuant to and in accordance with Minnesota Statutes, Sections 469.001 through 469.047 and 469.174 through 469.179, as amended.

1.4. The Agency and the City have performed all actions required by law to be performed prior to the adoption of the Plans, including, but not limited to, a review of the proposed Plans by the affected neighborhood groups and the Planning Commission, transmittal of the proposed Plans to the Hennepin County Board of Commissioners and the School Board of Special School District No 1 for their review and comment, and the holding of a public hearing after published and mailed notice as required by law.

1.5. The Bottineau TIF District is being established within and under the authority of the Bottineau Redevelopment Project.

## **Section 2. Findings for the Adoption of the Plans.**

2.1. The Council hereby finds, determines and declares that the Plans will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the redevelopment of the area identified in the Bottineau Redevelopment Plan (the "Project Area") and TIF District by private enterprise as the proposed redevelopment removes blight, remediates pollution, enhances the city's tax base, restores a historic building, and converts and rehabilitates structure(s) into rental housing units. The Bottineau Commons and Lofts housing projects are located in a non-impacted area and will have a total of 184 housing units of which 152 are rental units, with 33 of these rental units affordable at 30% of MMI in compliance with the City Affordable Housing Policy.

2.2. The Council further finds, determines and declares that the Plans conform to the general plan for the development or redevelopment of the City as a whole. Written comments of the Planning Commission with respect to the Plans were issued, are incorporated herein by reference, and are on file in the office of the City Clerk.

2.3. The Council further finds, determines and declares that the proposed redevelopment would not reasonably be expected to occur solely through private investment within the reasonably foreseeable future, and the use of tax increment financing is deemed necessary.

It is the position of the Minneapolis Community Development Agency and the City of Minneapolis that the private redevelopment of the property included in the TIF District could not occur without public participation and financial assistance. This conclusion is based upon the high costs of site assembly and preparation for the existing blighted property, including the extraordinary costs of historic rehabilitation and conversion, pollution cleanup if necessary, and the impact of these costs upon the feasibility of new private development or rehabilitation.

An additional factor makes the redevelopment of this site and the rehabilitation of the proposed project infeasible without public assistance. (1) 30% of the housing units in the project are not market rate apartment units, but are affordable, rent regulated units that cannot be delivered by the private market without public subsidy. (2) One of the public purposes accomplished by this redevelopment project is the conversion of a deteriorating historic property into a stable and viable long-term reuse that is not possible without public assistance. The rehabilitation and conversion of this historic property generates extraordinary construction costs that increase the financing gap for the project, and requires public financing assistance.

A portion of the gap between the fair market value of the project to an investor and the cost to develop the project is being filled by indirect federal tax expenditures (housing revenue bonds and low income housing and historic tax credits) that provide tax incentives to investors and reduce the financing costs

of the project below those of a typical market financing. Nevertheless, there is a very significant gap in the development costs of the project that can only be funded through additional public development assistance.

Tax increment financing is being used in conjunction with the commitment of other public funds to the developments, and is essential to closing the remaining financing gap in the projects. Without the use of tax increment financing and other public funds, the Bottineau housing projects could not reasonably be expected to occur solely through private investment within the reasonably foreseeable future.

The creation of the TIF District is necessary in order to finance a portion of the public redevelopment activities necessary to implement the development program in the Bottineau Redevelopment Plan, and reduce the current shortage of decent, safe, and sanitary rental and homeownership opportunities in Minneapolis.

Therefore, creation of the TIF District is in the public interest because it will facilitate the development of affordable rental and market rate homeownership housing projects, and will provide needed affordable rental housing as well as homeownership opportunities. Other public benefits will include blight remediation, tax base enhancement, economic integration, increased neighborhood livability, homeownership, and historic preservation.

Further, the public redevelopment activity, expenditures, and market values associated with the Bottineau housing projects results in a series of calculations and figures that clearly passes the market value test, as the increased market value of the site that could reasonably be expected to occur without the use of tax increment financing would be less than the increase in the market value estimated to result from the proposed development after subtracting the present value of the projected tax increments for the maximum duration of the TIF District permitted by the Plans. Therefore, it is the opinion of the City of Minneapolis that the proposed redevelopment project to be financed, in part, by this TIF District would not occur solely through private investment within the foreseeable future.

2.4. The Council further finds, determines and declares that the property to be included in the Project Area and TIF District meets the statutory definition of a blighted area due to the presence of physical and functional obsolescence, property in need of major repair, dilapidated and boarded structures, poorly maintained premises, and underused, vacant railroad ROW and rail property. Numerous deficiencies below building code standards were indicated. The vacant land parcels are not properly maintained and are a repository for junk, debris and overgrown with vegetation. All of the parcels involved troubled buildings and property with difficult access. The area was found to have unsafe, obsolete, faulty design, and any combination of these and other factors including the buildings, and were determined to be detrimental to the safety, health, morals, or welfare of the community and concludes a blight finding. Therefore, the area qualifies as blighted under Minnesota Statutes due to these findings.

Further, it is found that the buildings at the locations were structurally substandard because the costs of repairs to comply with standards of the building code would exceed 15% of the property's replacement value. An interior survey of the structural, mechanical, electrical, heating/HVAC systems, provisions of the ADA Act, life safety issues, egress, occupancy loads, and energy conservation requirements for the structures in the proposed tax increment district exhibit typical physical and functional obsolescence findings existing and are considered blighted for the present or continued use. These obsolete features of the buildings are unavoidable due to its character and can not be concealed, or retrofitted to an alternative or adaptive reuse without major design revisions.

The findings indicate that more than 50% (100%) of the buildings are found with reasonable certainty to be structurally substandard due to a combination of building code defects that are of sufficient total significance to justify substantial renovation or clearance. In addition, soil testing and remediation may be needed due to the former use of solvents and other exotic chemicals in and around the location of the railroad rights-of-way properties. Therefore, it is found that the buildings are substandard as defined in Minnesota Statutes, Section 469.002, Subdivision 11 and Section 469.174, Subdivision 10, and the site contains former railroad ROW properties, and the reasons and supporting facts for these determinations are retained and available from the Agency.

2.5. The Council further finds, determines and declares that the objectives and actions authorized by the Plans are all pursuant to and in accordance with Minnesota Statutes, Sections 469.001 through 469.047 and Sections 469.174 through 469.179, as amended.

2.6. The Council further finds, determines and declares that the municipality elects the method of tax increment computation set forth in Minnesota Statutes, Section 469.177, Subdivision 3(a), and that it is the intent of the City and Agency that any fiscal disparity contribution required of the City for development occurring within this TIF District be taken from outside this TIF District.

2.7. The Council further finds, determines and declares that it is necessary and in the best interests of the City at this time to approve the Plans.

**Section 3. Approval of the Plans; Creation of Project and District.**

3.1. Based upon the findings set forth in Section 2 hereof, the Plans presented to the Council on this date are hereby approved and shall be placed on file in the office of the City Clerk.

3.2. Based upon the findings set forth in Section 2 hereof, the Bottineau Redevelopment Project is hereby created and established.

3.3. Based upon the findings set forth in Section 2 hereof, the Bottineau TIF District is hereby created and established.

**Section 4. Implementation of the Plans.**

4.1. The officers and staff of the City and the Agency, and the City's and the Agency's consultants and counsel, are authorized and directed to proceed with the implementation of the Plans, and for this purpose to negotiate, draft, prepare and present to this Council for its consideration, as appropriate, all further plans, resolutions, documents and contracts necessary for this purpose.

Adopted. Yeas, 11; Nays none.

Absent - Biernat.

Passed August 24, 2001. J. Cherryhomes, President of Council.

Approved August 30, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration a proposal of Sherman Associates for Bottineau Commons East, a 119-unit rental apartment building on the former Jubilee Foods site at 18<sup>th</sup> and University Ave NE, and having conducted a public hearing thereon, now recommends passage of the accompanying resolution giving preliminary approval to the project and to the issuance of up to \$9,750,000 in Tax-exempt Multifamily Housing Revenue Bonds, as set forth in Petn No 267203.

Your Committee further recommends summary publication of the above-described resolution.

Adopted. Yeas, 11; Nays none.

Absent - Biernat.

Passed August 24, 2001.

Approved August 30, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 2001R-373, giving preliminary approval to the issuance of tax-exempt multifamily housing revenue bonds under Minnesota Statutes, Chapter 462C for the purpose of financing a housing program consisting of the acquisition and construction of a multifamily rental housing development for the benefit of Bottineau Commons Limited Partnership, was passed August 24, 2001 by the City Council and approved August 30, 2001 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2001R-373**

**By Niland and Campbell**

**Giving preliminary approval to the issuance of tax-exempt multifamily housing revenue bonds under Minnesota Statutes, Chapter 462C for the purpose of financing a housing program consisting of the acquisition and construction of a multifamily rental housing development for the benefit of Bottineau Commons Limited Partnership.**

Whereas, the City of Minneapolis, Minnesota (the "City") is authorized, pursuant to Minnesota Statutes, Chapter 462C, as amended (the "Act") to develop and administer programs to finance one or more multifamily housing developments within its boundaries; and

Whereas, Section 462C.07 of the Act authorizes the City to issue and sell revenue bonds or obligations to finance programs for the multifamily housing developments; and

Whereas, representatives of Bottineau Commons Limited Partnership, a Minnesota limited partnership (the "Developer") has requested that the City adopt a multifamily housing development program (the "Program") to provide for the issuance of up to \$9,750,000 of its tax-exempt multifamily housing revenue bonds, in one or more series (the "Bonds") for the purpose of loaning the proceeds thereof to the Developer to finance the acquisition and construction by the Developer of a 119-unit multifamily rental housing development to be located at 1808 University Avenue NE in the City (the "Project"); and

Whereas, the Community Development Committee of the Minneapolis City Council, on behalf of the City held a public hearing on the Program and proposed issuance of the Bonds after at least 15 days published notice hereof and after submission of the Program to the Metropolitan Council for review and comment; and

Whereas, the Council has been advised by U.S. Bancorp Piper Jaffray Inc., representing the Developer, that on the basis of information available to them, the Project is economically feasible and the Bonds could be successfully issued and sold; and

Whereas, the City has been advised by the Developer that conventional commercial financing is available to pay the capital costs of the Project only on a limited basis and at such high costs of borrowing that the scope of the Project and the economic feasibility of its operations would be significantly affected; and

Whereas, the City shall not be liable on the Bonds, and the Bonds shall not be a debt of the City within the meaning of any state constitutional provision or statutory limitation, and will not constitute or give rise to a charge against the general credit or taxing power of the City or a pecuniary liability of the city, nor shall the Bonds be payable out of any funds or properties other than those provided as security therefor;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the Program is hereby approved and adopted by the City.

Be It Further Resolved that the issuance of the Bonds pursuant to the Program in a principal amount not to exceed \$9,750,000 is preliminarily approved.

Be It Further Resolved that the City hereby reserves \$9,750,000 of its 2001 housing revenue bond entitlement authority for the financing of the Project.

Be It Further Resolved that the foregoing preliminary approval of the issuance of Bonds shall be subject to final determination by the City of terms and conditions and shall not constitute an irrevocable commitment on the part of the City to issue the Bonds.

Be It Further Resolved that the staff of the Minneapolis Community Development Agency is hereby authorized, in cooperation with bond counsel to take all steps necessary and desirable to proceed to develop the Program and financing therefor.

Adopted. Yeas, 11; Nays none.

Absent - Biernat.

Passed August 24, 2001. J. Cherryhomes, President of Council.

Approved August 30, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Comm Dev & W&M/Budget** – Your Committee recommends passage of the accompanying resolution increasing the Minneapolis Community Development Agency (MCDA) appropriation in Fund SMN0 (State Grants & Loans) by \$1,634,851 and increasing the Fund SMN0 revenue estimate by \$1,634,851 to reflect acceptance of funds received from the Metropolitan Council through the Metropolitan Livable Communities Act, Tax Base Revitalization Account Grant in the amount of \$382,422 and Contamination Cleanup Grant funds received from the Minnesota Department of Trade & Economic Development in the amount of \$1,252,429 for pollution investigation and remediation activities on the former Lupient Buick site in conjunction with development of the Village at St. Anthony Falls.

Your Committee further recommends that the proper City and/or MCDA officers be authorized to execute grant and subrecipient agreements.

Adopted. Yeas, 11; Nays none.

Absent - Biernat.

Passed August 24, 2001.

Approved August 30, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2001R-374**

**By Niland and Campbell**

**Amending The 2001 Minneapolis Community Development Agency Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in Fund SMN0 - State Grants & Loans by \$1,634,851 and increasing the Fund SMN0 revenue estimate (3215-04 MN State and Other Grants) by \$1,634,851.

Adopted. Yeas, 11; Nays none.

Absent - Biernat.

Passed August 24, 2001. J. Cherryhomes, President of Council.

Approved August 30, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Comm Dev & W&M/Budget** – Your Committee recommends passage of the accompanying resolution increasing the Minneapolis Community Development Agency (MCDA) appropriation in Fund SMN0 (State Grants & Loans) by \$1,000,000 and increasing the Fund SMN0 revenue estimate by \$1,000,000 to reflect acceptance of Empowerment Zone grant funds to be used to acquire properties within the area designated as Southeast Minneapolis Industrial (SEMI) phase 7.

Your Committee further recommends that the proper City and/or MCDA officers be authorized to execute subrecipient agreements.

Adopted. Yeas, 11; Nays none.

Absent - Biernat.

Passed August 24, 2001.

Approved August 30, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2001R-375**

**By Niland and Campbell**

**Amending The 2001 Minneapolis Community Development Agency Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in Fund SMN0 - State Grants & Loans by \$1,000,000 and increasing the Fund SMN0 revenue estimate (3210-08 Federal Funds-HUD Grants) by \$1,000,000.

Adopted. Yeas, 11; Nays none.

Absent - Biernat.

Passed August 24, 2001. J. Cherryhomes, President of Council.

Approved August 30, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.



**Comm Dev & W&M/Budget** – Your Committee recommends passage of the accompanying resolution increasing the Minneapolis Community Development Agency (MCDA) appropriation in Fund CAZ0 (Common Project) by \$18,000 to cover unbudgeted sewer access charges for the Coliseum Building project at 2700 E Lake St.

Your Committee further recommends that the 3% administrative fee for this project be waived.

Your Committee further recommends that this action be transmitted to the Board of Commissioners of the MCDA.

Adopted. Yeas, 11; Nays none.

Absent - Biernat.

Passed August 24, 2001.

Approved August 30, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2001R-376**  
**By Niland and Campbell**

**Amending The 2001 Minneapolis Community Development Agency Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in Fund CAZ0 - Common Project by \$18,000 from available fund balance.

Adopted. Yeas, 11; Nays none.

Absent - Biernat.

Passed August 24, 2001. J. Cherryhomes, President of Council.

Approved August 30, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Comm Dev & W&M/Budget** - Your Committee recommends that the proper City and/or Minneapolis Community Development Agency officers be authorized to reallocate \$200,000 from the Infill/Lot Reduction Program to the Flipping Project to provide matching fund contributions as part of the Minnesota Housing Finance Agency grant for the MCDA Flipping Project.

Adopted. Yeas, 11; Nays none.

Absent - Biernat.

Passed August 24, 2001.

Approved August 30, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Comm Dev & W&M/Budget** - Your Committee recommends that the proper City and/or Minneapolis Community Development Agency officers be authorized to solicit public bids for renovation of the Pantages Theatre (Mann Theater), 708 Hennepin Ave, and the surrounding Stimson Building property.

Adopted. Yeas, 9; Nays, 2 as follows:

Yeas - Niland, Goodman, Colvin Roy, McDonald, Mead, Johnson, Thurber, Campbell, Cherryhomes.

Nays - Lane, Ostrow.

Absent - Biernat.

Passed August 24, 2001.

Approved August 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published August 28, 2001)

**Comm Dev & W&M/Budget** - Your Committee, having under consideration the recommendation of the Minneapolis Community Development Agency to rescind the Council action of March 24, 2000 relating to approval of financing options for structuring the renovation of the Pantages Theatre (Mann

Theater), 708 Hennepin Ave, and the surrounding Stimson Building property, and sale of the Stimson Building to the Historic Theatre Group subject to the terms set forth in Petn No 265686, now recommends:

**Comm Dev** - Approval of the MCDA recommendation.

**W&M/Budget** - Postponement of the MCDA recommendation.

Niland moved that the report be referred back to the Community Development and Ways & Means/Budget Committees. Seconded.

Adopted upon a voice vote.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration the recommendation of the Minneapolis Community Development Agency (MCDA) to issue bonds to finance the renovation of the Pantages Theatre (Mann Theater), 708 Hennepin Ave, into a 800-900 seat theater for off-Broadway productions, music events and meeting use, to be owned by the MCDA with management similar to the arrangement for the State and Orpheum Theatres, and renovation of the surrounding commercial space in the Stimson Building that wraps around the Pantages to be either leased or sold for theatre-related uses, now recommends:

**Comm Dev** - a) Passage of the accompanying resolutions 1) giving final approval to the issuance of up to \$22.5 million in Tax-exempt MCDA, Limited Tax Supported Development Revenue Bonds, Common Bond Fund, Series 2001, with approximately \$15 million allocated for the renovation of the Pantages Theatre and improvements to the Orpheum and State Theatres and approximately \$7.5 million allocated for the refunding of the existing Orpheum Theatre bonds; and 2) giving final approval to the issuance of up to \$6 million in Taxable MCDA, Limited Tax Supported Development Revenue Bonds, Common Bond Fund, Series 2001, for the renovation of the Stimson Building, to be issued through the Minneapolis Common Bond Fund and designating the Bonds as bonds entitled to the security provided by Ordinance No 87-Or-084, Tax Reserve and Pledge Ordinance, as set forth in Petn No 267204;

b) That pursuant to MCDA Resolution No 87-171M adopted by the Board of Commissioners of the MCDA on July 16, 1987, these Common Fund Bonds be designated, if and when issued, as bonds entitled to the Security provided by said Ordinance No 87-Or-084;

c) Summary publication of the above-described resolutions;

d) That this action be transmitted to the Board of Commissioners of the MCDA.

**W&M/Budget** - Postponement of the MCDA recommendations.

Niland moved that the report be referred back to the Community Development and Ways & Means/Budget Committees. Seconded.

Adopted upon a voice vote.

The **HEALTH & HUMAN SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

**H&HS & W&M/Budget** - Your Committee recommends acceptance of only bid received on OP #5669 (Petn No 267206) submitted by Sustainable Resources Center, in the estimated amount of \$500,000, to provide lead reduction services, all in accordance with City specifications.

Your Committee further recommends that the proper City Officers be authorized to execute a contract for said service.

Adopted. Yeas, 11; Nays none.

Absent - Biernat.

Passed August 24, 2001.

Approved August 30, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**H&HS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to solicit Request for Proposals for Youth Development Initiatives for calendar years 2002 and 2003, to be funded through Youth Risk Behavior Endowment funds from the State of Minnesota Department of Health.

Adopted. Yeas, 11; Nays none.

Absent - Biernat.

Passed August 24, 2001.

Approved August 30, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**H&HS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to accept a grant award of \$1,175,891 and execute a grant agreement with the State of Minnesota Department of Economic Security to continue employment and training services to Welfare-to-Work eligible participants through the Jewish Vocational Services RETAIN Program, the Sentencing to Service Homes Program, and the IRIS Program. (Petn No 267205)

Adopted. Yeas, 11; Nays none.

Absent - Biernat.

Passed August 24, 2001.

Approved August 30, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**H&HS & W&M/Budget** - Your Committee, having under consideration the Adolescent Parenting Project, now recommends the following:

a. that the proper City Officers be authorized to accept a grant award of \$121,800 and execute a grant agreement with Minneapolis Public Schools, Special School District #1, to provide a broad based, comprehensive case management system, by a Public Health Social Worker, to support pregnant and parenting students at Patrick Henry and Edison High Schools to optimize health status and academic success of students during the period July 15, 2001 through July 15, 2003.

b. authorization to hire 1.0 Full-Time Equivalent (FTE) Public Health Social Worker position, with applicants being informed that continuation of the position is contingent upon the receipt of grant funds.

c. passage of the accompanying Resolution appropriating \$121,800 to the Health & Family Support Agency to reflect receipt of said grant funds.

Adopted. Yeas, 11; Nays none.

Absent - Biernat.

Passed August 24, 2001.

Approved August 30, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2001R-377**

**By Lane and Campbell**

**Amending The 2001 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Health & Family Support Agency in the Grants - Federal Fund (030-860-8623) by \$121,800 and increasing the Revenue Source (030-860-8623 - Source 3210) by \$121,800.

Adopted. Yeas, 11; Nays none.

Absent - Biernat.

Passed August 24, 2001. J. Cherryhomes, President of Council.

Approved August 30, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The **INTERGOVERNMENTAL RELATIONS** Committee submitted the following report:

**IGR & W&M/Budget** - Your Committee recommends passage of the accompanying resolution granting local approval to Laws of Minnesota 2001, Special Session, Chapter 10, Article 15, Sections 1 through 16, relating to the Minneapolis Firefighters Relief Association Benefit Plan. (Petn No 267207)

Adopted. Yeas, 11; Nays none.

Absent - Biernat.

Passed August 24, 2001.

Approved August 30, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2001R-378**  
**By Thurber and Campbell**

**Approving Laws of Minnesota 2001, Special Session, Chapter 10, Article 15, Sections 1 through 16.**

Whereas, the Minnesota State Legislature has passed a law relating to the Minneapolis Firefighters Relief Association Benefit Plan Codification and Revision; and

Whereas, said law, by its terms, requires an affirmative vote of a majority of the members of the City Council before it may become effective;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That said law be now approved and the City Clerk be directed to prepare and file with the Secretary of State the required certification of approval.

Adopted. Yeas, 11; Nays none.

Absent - Biernat.

Passed August 24, 2001. J. Cherryhomes, President of Council.

Approved August 30, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The **PUBLIC SAFETY & REGULATORY SERVICES** Committee submitted the following reports:

**PS&RS** - Your Committee, having under consideration the application of NAD, LLC, dba Leaning Tower of Pizza, 2501 University Av SE, for an On-Sale Liquor Class E with Sunday Sales License (new business) to expire July 1, 2002, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted. Yeas, 11; Nays none.

Absent - Biernat.

Passed August 24, 2001.

Approved August 30, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** - Your Committee, having under consideration the application of Dinkytownner Inc, dba Dinkytownner Cafe, 412 14th Av SE, for an On-Sale Liquor Class B with Sunday Sales License (upgrade from On-Sale Wine Class B with Strong Beer) to expire April 1, 2002, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted. Yeas, 11; Nays none.

Absent - Biernat.

Passed August 24, 2001.

Approved August 30, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** - Your Committee, having under consideration the application of Alnoor Aqil T, dba AM Tobacco & Dollar Store, 1814 Nicollet Av, for a Tobacco Dealer License (new business) to expire April 1, 2002, now recommends that said license be granted, subject to the following conditions:

a. Community Crime Prevention/SAFE will conduct a security audit to make recommendations regarding the operations, especially how to safely monitor two entrances and front window visibility.

b. Litter will be picked up on a daily basis within 1/2 block of the business.

c. Signage will be limited on the front windows to allow for visibility;

d. Security cameras will be installed and kept in working order.

e. Graffiti will be reported and removed in a timely manner.

Adopted. Yeas, 11; Nays none.

Absent - Biernat.

Passed August 24, 2001.

Approved August 30, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** - Your Committee recommends granting the following applications for liquor, wine and beer licenses:

**Off-Sale Liquor, to expire October 1, 2002**

France 44 Liquors Inc, dba France 44 Liquors, 4351 France Av S;

**On-Sale Liquor Class A with Sunday Sales, to expire September 16, 2001**

Screaming Triangle LLC, dba Minneapolis Eagle, 515 Washington Av S (temporary expansion of premises, Twins Gay Day, September 14 - 16, 2001 in the adjacent parking lot);

**On-Sale Liquor Class A with Sunday Sales, to expire July 1, 2002**

Guthrie Theater Foundation, dba Guthrie Theater Foundation, 725 Vineland Pl (new corporate officer);

Minneapolis Branch of American Association of University Women, dba Minneapolis Branch of American Association of University Women, 2115 Stevens Av;

**On-Sale Liquor Class A with Sunday Sales, to expire October 1, 2002**

Heaven & Earth, Inc, dba Quest, 110 5th St N, 1st floor;

Mintahoe, Inc, dba Perfect Host Catering, 219 Main St SE;

**On-Sale Liquor Class A with Sunday Sales, to expire August 17, 2001**

International Catering Inc, dba Atrium Cafe, 275 Market St (temporary expansion of premises, August 17, 2001, 9:00 p.m. to 1:00 a.m., DJ's Music Emporium);

**On-Sale Liquor Class A with Sunday Sales, to expire August 21, 2001**

International Catering Inc, dba Atrium Cafe, 275 Market St (temporary expansion of premises, August 21, 2001, 5:00 p.m. to 9:00 p.m., National Kitchens & Bath);

**On-Sale Liquor Class A with Sunday Sales, to expire September 8, 2001**

International Catering Inc, dba Atrium Cafe, 275 Market St (temporary expansion of premises, September 8, 2001, 4:00 p.m. to 11:30 p.m., Simons-Esse Wedding Reception);

**On-Sale Liquor Class B with Sunday Sales, to expire April 1, 2002**

Lake & Hennepin BBQ and Blues Inc, dba Famous Daves BBQ & Blues, ---3001 Hennepin Av (new manager);

Jax Cafe, Inc, dba Jax Cafe, 1922 University Av NE;

T J Management of Minneapolis Inc, dba Gabby's Saloon & Eatery, 1900 Marshall St (temporary expansion of premises with entertainment, August 18, 2001, 2:00 p.m. to 11:30 p.m.);

**On-Sale Liquor Class B with Sunday Sales, to expire July 1, 2001**

Sophia Inc, dba Sophia, 65 Main St SE (new shareholder/partner & new manager);

**On-Sale Liquor Class B with Sunday Sales, to expire August 19, 2001**

Tay-Mac Inc, dba Whiskey Junction, 901 Cedar Av (temporary expansion of premises with outdoor entertainment, August 19, 2001, Noon to 10:00 p.m.);

**On-Sale Liquor Class B with Sunday Sales, to expire October 1, 2002**

German Restaurants Inc, dba Gasthof Zur Gemutlichkeit, 2300 University Av NE;

**On-Sale Liquor Class C-1 with Sunday Sales, to expire July 1, 2002**

Westbank Productions Co LLC, dba 400 Bar, 400 Cedar Av;

**On-Sale Liquor Class C-1 with Sunday Sales, to expire October 1, 2002**

Table of Contents Inc, dba Dish/Table of Contents, 1310 Hennepin Av;

**On-Sale Liquor Class E with Sunday Sales, to expire July 1, 2001**

200 Club Inc, dba 200 Club, 200 W Broadway (new shareholder/partner, corporate officer & manager);

**On-Sale Liquor Class E with Sunday Sales, to expire July 1, 2002**

Stub & Herbs Inc, dba Stub & Herbs, 227 Oak St;

One Eyed Dog Ltd, dba Triple Rock, 629 Cedar Av;  
Capital Grille Holdings Inc, dba Capital Grille, 801 Hennepin Av;

**On-Sale Liquor Class E, to expire October 1, 2002**

Di Napoli Lounge Inc, dba Di Napoli Lounge, 814 Hennepin Av;

**On-Sale Wine Class C-2 with Strong Beer, to expire August 26, 2001**

Cafe Wyrd Inc, dba Cafe Barbette, 1600 W Lake St (temporary expansion of premises with entertainment, August 26, 2001, 2:00 p.m. to 10:00 p.m.);

**On-Sale Wine Class E with Strong Beer, to expire April 1, 2002**

Westrum Judith E, dba Westrum's Tavern, 4415 Nicollet Av;

**Off-Sale Beer, to expire April 1, 2002**

Khatibs LLC, dba Sams Food Market, 5405 42nd Av S (new business);

Anderson Paul Fredrik, dba Bryn Mawr Market, 412 S Cedar Lk Rd;

**Temporary On-Sale Beer**

Church of St Anne, dba Church of St Anne, 2627 Queen Av N (August 12, 2001, Noon to 5:00 p.m.);

Incarnation Church, dba Oktoberfest, 3801 Pleasant Av (October 5, 2001, 5:00 p.m. to Midnight; October 6, 2001, 11:00 a.m. to Midnight; and October 7, 2001, 11:00 a.m. to 5:00 p.m.);

Sacred Heart of Jesus Polish National, dba Sacred Heart of Jesus, 420 22nd Av NE (August 11, 2001, 11:00 a.m. to 7:00 p.m.);

Umunne Cultural Association, dba Igbofest 2001, PO Box 4736, St. Paul (August 18, 2001, 9:00 p.m. to 1:00 a.m. at 1300 Olson Memorial Hwy);

Church of the Annunciation, dba Parish Fundraiser, 501 W 54th St (September 15, 2001, Noon to 10:00 p.m. and September 16, 2001, Noon to 6:00 p.m.).

Adopted. Yeas, 11; Nays none.

Absent - Biernat.

Passed August 24, 2001.

Approved August 30, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** - Your Committee recommends granting the following applications for business licenses as per list on file and of record in the Office of the City Clerk under date of August 24, 2001, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 267211):

Amusement Devices; Place of Amusement Class B-2; Bowling Alley; Dry Cleaning & Laundry Pickup Station; Laundry; Place of Entertainment; Confectionery; Grocery; Food Manufacturer; Restaurant; Short Term Food Permit; Seasonal Short Term Food; Sidewalk Cafe; Vending Machine; Fuel Dealer; Motor Vehicle Dealer - Used Only; Motor Vehicle Immobilization Service; Motor Vehicle Repair Garage; Motor Vehicle Repair Garage with Accessory Use; Commercial Parking Lot Class A; Commercial Parking Lot Class B; Pet Shop; Plasterer; Secondhand Goods Class B; Antique Dealer Class B; Antique Mall Operator Class B; Sign Hanger; Solid Waste Hauler; Tattooist/Body Piercer; Tattooist/Body Piercer Establishment; Taxicab Vehicle; Tobacco Dealer; and Tree Servicing.

Adopted. Yeas, 11; Nays none.

Absent - Biernat.

Passed August 24, 2001.

Approved August 30, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** - Your Committee recommends granting the following applications for gambling licenses, subject to final inspection and compliance with all provisions of the applicable codes and ordinances:

**Gambling-Lawful Class B**

Washburn Amateur Hockey Association, dba Washburn Amateur Hockey Association, 5246 14th Av S (Site: Hexagon Bar, 2600 27th Av S);

**Gambling Lawful Exempt**

St Philips Church, dba St Philips Church, 2507 Bryant Av N (Pulltabs, September 16, 2001);

Church of Christ the King, dba Church of Christ the King, 5029 Zenith Av S (Raffle, September 11, 2001);

Church of the Annunciation, dba Church of the Annunciation, 509 W 54th St (Raffle, September 15 & 16, 2001).

Adopted. Yeas, 11; Nays none.

Absent - Biernat.

Passed August 24, 2001.

Approved August 30, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** - Your Committee, having under consideration the Tobacco License held by TMG Enterprises, dba City Convenience Store, 40 S 7th St, and having received Findings of Fact, Conclusions and Recommendations arising from a Technical Advisory Committee (TAC) hearing following an appeal by the licensee regarding the penalty given after the business failed a third compliance check and cigarettes were sold to a minor, now recommends adoption of the following recommendations, as more fully set forth in said Findings, on file in the Office of the City Clerk and made a part of this report by reference:

a. that said Tobacco License held by City Convenience Store be suspended from August 5, 2001 to August 11, 2001, with all tobacco products being removed from sales during said period.

b. that the licensee pay an administrative fine, in the amount of \$600, by August 6, 2001.

Adopted. Yeas, 11; Nays none.

Absent - Biernat.

Passed August 24, 2001.

Approved August 30, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** - Your Committee, having under consideration the Meat Market and Grocery Licenses held by Mohammed Khan, dba New Meat Market and Grocery, 1844 Central Av NE, and having received Findings of Fact, Conclusions and Recommendations arising from a Technical Advisory Committee (TAC) hearing for violating the Food Code by processing meat stamped "Not for Sale" and failure to provide records for the meat product, now recommends adoption of the following recommendations, as more fully set forth in said Findings, on file in the Office of the City Clerk and made a part of this report by reference:

a. that the licensee pay an administrative fine of \$1,000, with \$500 being stayed on the condition that New Meat Market and Grocery does not sell, offer for sale, or possess with intent to sell meat derived from custom processing.

b. that if Health Inspectors discover such meat on the premises of New Meat Market and Grocery again, the business will immediately be closed and further action will be taken against the business license.

Adopted. Yeas, 11; Nays none.

Absent - Biernat.

Passed August 24, 2001.

Approved August 30, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** - Your Committee recommends approval of the following City Council appointments to serve on the Oil Burner Installers Board for three-year terms to expire November 2004:

a. Michael Hynes, 13900 114th Av N, representing Pipe Fitters Local No 539;

b. Jeffrey Johnson, 13717 Sunset Lk Cir, representing the Minnesota Mechanical Contractors Association.

Your Committee further recommends that the residency requirement be waived, pursuant to Section 14.180(m)(3) of the Minneapolis Code of Ordinances, which allows a waiver for persons providing a "unique and special benefit" to the City.

Adopted. Yeas, 11; Nays none.  
Absent - Biernat.  
Passed August 24, 2001.  
Approved August 30, 2001. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**PS&RS** - Your Committee, having under consideration the following properties which have been deemed by the Director of Inspections to constitute nuisance conditions within the meaning of Chapter 249 of the Minneapolis Code of Ordinances, now recommends that the proper City officers be authorized to raze the following properties, as more fully set forth in the Findings of Fact, Conclusions and Recommendations which are on file in the Office of the City Clerk and made a part of this report by reference.

a. 2912 16th Av S, legally described as Lot 4, Block 4, Allan & Anderson's Addition to Minneapolis (PID #35-029-24-44-0047).

b. 2531 18th Av S, legally described as Lot 9, except the South 32 feet thereof, Block 1, Gilpatrick's 2nd Addition to Minneapolis (PID #35-029-24-14-0143).

c. 2927 Bloomington Av, legally described as Lot 8, Block 4, Allan & Anderson's Addition to Minneapolis (PID #35-029-24-44-0051).

Adopted. Yeas, 11; Nays none.  
Absent - Biernat.  
Passed August 24, 2001.  
Approved August 30, 2001. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**PS&RS** - Your Committee, having under consideration the Police Department Comprehensive Plan, now recommends that the proper City Officers be authorized to execute a contract with Carter Goble Associates, in the amount of \$131,500, to develop Phase I of the Plan to analyze and document current and future Police Department space and facility needs, payable from Public Works - General Services Capital (410-923-9242-8015).

Adopted. Yeas, 11; Nays none.  
Absent - Biernat.  
Passed August 24, 2001.  
Approved August 30, 2001. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.

The **PUBLIC SAFETY & REGULATORY SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to negotiate and execute a contract with Qwest Communications, in an amount not to exceed \$251,000, for Computer Assisted Dispatch (CAD)/Telephone Integration and a mapped Automatic Location Information (ALI) solution, payable with \$120,000 from 2000 Block Grant V funds and \$131,000 from the Police Department Agency (060-400-8020).

Adopted. Yeas, 11; Nays none.  
Absent - Biernat.  
Passed August 24, 2001.  
Approved August 30, 2001. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to accept a State Gang Strike Force grant award of \$249,600 and execute a two-year grant agreement with the State of Minnesota to provide funding for overtime and use of vehicles for eight Minneapolis officers to serve on the State Metro Gang Strike Force.

Your Committee further recommends passage of the accompanying Resolution appropriating \$249,600 to the Police Department Agency to reflect receipt of said grant funds.



Adopted. Yeas, 11; Nays none.  
Absent - Biernat.  
Passed August 24, 2001.  
Approved August 30, 2001. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**RESOLUTION 2001R-379**  
**By Biernat and Campbell**

**Amending The 2001 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:  
That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Other Fund (060-400-C007) by \$249,600 and increasing the Revenue Source (060-400-C007 - Source 3215) by \$249,600.  
Adopted. Yeas, 11; Nays none.  
Absent - Biernat.  
Passed August 24, 2001. J. Cherryhomes, President of Council.  
Approved August 30, 2001. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**PS&RS & W&M/Budget** - Your Committee recommends passage of the accompanying Resolution appropriating \$150,000 to the Police Department Agency to reflect receipt of grant funds from the Minnesota Department of Public Safety for the Juvenile Prostitution Task Force, accepted by the Council in a report passed November 9, 2000.

Adopted. Yeas, 11; Nays none.  
Absent - Biernat.  
Passed August 24, 2001.  
Approved August 30, 2001. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**RESOLUTION 2001R-380**  
**By Biernat and Campbell**

**Amending The 2001 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:  
That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Other Fund (030-400-C007) by \$150,000 and increasing the Revenue Source (030-400-C007- Source 3210) by \$150,000.  
Adopted. Yeas, 11; Nays none.  
Absent - Biernat.  
Passed August 24, 2001. J. Cherryhomes, President of Council.  
Approved August 30, 2001. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**PS&RS & W&M/Budget** - Your Committee, having submitted a grant application seeking funding under the federal COPS In School Grant, now recommends that the proper City Officers be authorized to accept a three-year grant award of \$500,000 from the United States Department of Justice, Office of Community Oriented Policing Services, to provide for the payment of salaries and fringe benefits for sworn entry level law enforcement officers during the period February 1, 2001 through January 31, 2004.

Adopted. Yeas, 11; Nays none.  
Absent - Biernat.

Passed August 24, 2001.

Approved August 30, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS & W&M/Budget** - Your Committee recommends acceptance of low bid meeting specifications received on OP #5645 (Petr No 267214) submitted by Danko Equipment, in the amount of \$187,471, to furnish turnout clothing to the Minneapolis Fire Department, all in accordance with City specifications.

Adopted. Yeas, 11; Nays none.

Absent - Biernat.

Passed August 24, 2001.

Approved August 30, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The **TRANSPORTATION & PUBLIC WORKS** Committee submitted the following reports:

**T&PW** – Your Committee, having under consideration preliminary design plans for the extension of light rail transit from 1st Av N to the multi-modal station that will service the Northstar Commuter Rail Corridor with continuing tail track and roadway reconstruction to 7<sup>th</sup> St N, now recommends passage of the accompanying resolution approving said plans with conditions.

Adopted. Yeas, 11; Nays none.

Absent - Biernat.

Passed August 24, 2001.

Approved August 30, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

#### **RESOLUTION 2001R-381**

**By Mead**

**Approving, with conditions, the Preliminary Design Plans for the extension of light rail transit from 1<sup>st</sup> Av N to the multi-modal station serving the Northstar Commuter Rail Corridor with continuing tail track and roadway construction to 7<sup>th</sup> St N.**

Whereas, the Minnesota Department of Transportation (MnDOT) has submitted the Preliminary Design Plans for the extension of light rail transit (LRT) from 1<sup>st</sup> Av N to the multi-modal station serving the Northstar Commuter Rail Corridor with continuing tail track and roadway reconstruction to 7<sup>th</sup> St N to the City for approval; and

Whereas, MnDOT, Hennepin County, and the City have held public hearings in accordance with State law and received public testimony;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the Preliminary Design Plans for the extension of LRT from 1<sup>st</sup> Av N to the multi-modal station serving the Northstar Commuter Rail Corridor with continuing tail track and roadway reconstruction to 7<sup>th</sup> St N are approved, subject to the following conditions:

1. MnDOT and Metro Transit cooperate with the City in the development of an expanded intersection on 5<sup>th</sup> St N at and east of 2<sup>nd</sup> Av N to allow revised exit from the TAD 5 parking ramp to 5<sup>th</sup> St N and to 2<sup>nd</sup> Av N and to resolve the identified traffic capacity issues.

2. MnDOT/Metro Transit explain to the satisfaction of the City how the track switches in 5<sup>th</sup> St N will operate without endangering pedestrians who may be crossing there. At a minimum, a railing be added to the sidewalk on both sides of 5<sup>th</sup> St N between 3<sup>rd</sup> Av N and the pedestrian crosswalk at the east end of the platform to discourage pedestrian crossing of the switch area.

3. That MnDOT:

- Explore the feasibility of placing LRT diagonally through the intersection of 5<sup>th</sup> St N and 3<sup>rd</sup> Av N to then proceed west on the south side of 5<sup>th</sup> St N to connect with its currently proposed alignment on the south side of 5<sup>th</sup> St N, west of 6<sup>th</sup> Av N;

- Explore the feasibility of having the roadway on the north side of 5<sup>th</sup> St N next to the Ford Center break more sharply than what is required for the LRT track at the west end of the railroad overpass bridge, in order to lower the roadway grade and match the existing or perhaps a somewhat raised 5<sup>th</sup> Av N grade, thereby allowing 5<sup>th</sup> Av N to remain open;
- Report back to the City on the results of that analysis before proceeding with substantial additional design on this segment of the Plan.

4. That MnDOT report back to the City on the feasibility of relocating the vertical circulation elements to allow a 12 foot wide bike path/sidewalk to bypass the platform.

5. As the ballpark design moves beyond its current concept stage, the engineering components for the multi-modal station may require re-evaluation to allow for and interact with a ballpark.

Adopted. Yeas, 11; Nays none.

Absent - Biernat.

Passed August 24, 2001. J. Cherryhomes, President of Council.

Approved August 30, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW** – Your Committee, having under consideration a report passed March 23, 2001 awarding a contract under OP #5593 to Belair Excavating for excavation work at the 60<sup>th</sup> and 1<sup>st</sup> Av S Flood Mitigation Project, now recommends that said report be amended by increasing the contract from \$80,000 to \$200,000 to provide for the disposal of additional amounts of contaminated soil.

Adopted. Yeas, 11; Nays none.

Absent - Biernat.

Passed August 24, 2001.

Approved August 30, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Republished September 22, 2001)

**T&PW** – Your Committee, having under consideration a report passed May 4, 2001 authorizing execution of a contract with Shrock DeVetter Architects in an amount not to exceed \$46,700 for architectural and engineering design services for facility and site improvements at the City facility at 6024 Harriet Av S, now recommends that said report be amended by increasing the contract to an amount not to exceed \$55,000 due to scope changes and additional services. Funding for the agreement is included in the capital budget (4100-923-9247).

Adopted. Yeas, 11; Nays none.

Absent - Biernat.

Passed August 24, 2001.

Approved August 30, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW** - Your Committee, having under consideration an appeal filed by Ryan Companies US, Inc. of the decision of Council Member Goodman denying a request for encroachment permits for parking signs at the Target Store/municipal parking facility at 900 Nicollet Mall, as follows:

**Encroachment Permit Report**

The Department of Public Works has received an application for an encroachment permit requesting that **Ryan 900, LLC** their successors and assigns, be permitted to install, maintain and use **Parking Signs (3x)** within the public right-of-way.

**Encroachment Description:**

**Sign 1) 9<sup>th</sup> St S** – A "Parking" Sign will be located 2' feet east of the corner of 9<sup>th</sup> St S and LaSalle Av property corner. The height of the sign will be a minimum of 16' feet- 9" inches above grade, and will project 6' feet – 11" inches into the right of way;

**Sign 2) 10<sup>th</sup> St S** – A "Parking" sign will be located 2' feet east of 10<sup>th</sup> St S and LaSalle Av property corner. The height will be a minimum of 13' feet – 8" inches above grade, and will project 6' feet – 11" inches into the right of way;

**Sign 3) LaSalle Av** – A "Parking" sign will be located 68' feet north of the 10<sup>th</sup> St S and LaSalle Av property corner. The sign will have a minimum height of 12' feet – 4" inches above grade, and will project 6' feet – 11" inches into the right of way.

All encroachments would be placed adjacent to **9<sup>th</sup> St S, 10<sup>th</sup> St S, and LaSalle Av (PID 22-029-24-43-0120)** in accordance with the plans and drawings dated 11/15/00 and Troy Corrigan, of Ryan Companies filed with this application.

This permit would be granted subject to all requirements and conditions in Chapters 95, 429 and 430 of the Minneapolis Code of Ordinances.

All work done is subject to the approval and acceptance of the Director of Public Works and the Director of Inspections and all other necessary permits must be obtained.

The permission granted shall be subject to all ordinances of the City of Minneapolis now existing or which may hereafter be passed relative to the use or maintenance of such areas under, on or above streets, alleys and public places.

The permit holder shall pay all costs resulting from the alteration or relocation of any and all public or private utilities made necessary in connection with the permitted encroachment and is responsible for all loss, damage or claims resulting from the installation, relocation, use or removal of the permitted encroachment.

Promptly after the installation or removal of the permitted encroachment the permit holder shall properly replace and repair the right-of-way to a condition acceptable to the Director of Public Works.

Both the Transportation Division and the Right-of-Way Section of the Engineering Design Division have reviewed this application and recommend its approval.

The applicant shall file with the City Clerk a written acceptance of the conditions stated above together with evidence of liability insurance in the amount of \$500,000.

now recommends that said appeal be **forwarded without recommendation**.

Campbell moved to amend the report by deleting the language, "forwarded without recommendation" and inserting in lieu thereof the word, "granted." Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted.

Yeas, 6; Nays, 4 as follows:

Yeas - Lane, Johnson, Thurber, Ostrow, Campbell, Cherryhomes.

Nays - Niland, Goodman, McDonald, Mead.

Declining to Vote - Colvin Roy.

Absent - Biernat.

Passed August 24, 2001.

Approved August 30, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW** – Your Committee, having under consideration the Chicago Av Reconstruction Project (E 45<sup>th</sup> to E 49<sup>th</sup> St) and having been informed that Minnesota Department of Transportation requirements call for certain parking restrictions and left turn lanes on Chicago Av at E 46<sup>th</sup> St, now recommends:

a) Passage of the accompanying Ordinance establishing No Parking restrictions; and

b) Establishment of the following turn lanes:

- Second lane from the Wly side of Chicago Av S for southbound traffic at E 46<sup>th</sup> St (Left Turn Only);

- Second lane from the Ely side of Chicago Av S for northbound traffic at E 46<sup>th</sup> St (Left Turn Only).

Adopted. Yeas, 11; Nays none.

Absent - Biernat.

Passed August 24, 2001.

Approved August 30, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**ORDINANCE 2001-Or-098**

**By Mead**

**1<sup>st</sup> & 2<sup>nd</sup> Readings: 8/24/2001**

**Amending Title 18, Chapter 478 of the Minneapolis Code of Ordinances relating to Traffic Code: Parking, Stopping and Standing.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 478.590 of the above-entitled ordinance be amended by adding thereto the following No Parking Zones:

No. 6789 - Ely side of Chicago Av S beg at the Nly curb line of E 46<sup>th</sup> St and thence extending 237 feet Nly (No Parking Anytime);

No. 6790 - Ely side of Chicago Av S beg at the Sly curb line of E 46<sup>th</sup> St and thence extending 310 ft Sly (No Parking Anytime).

Adopted. Yeas, 11; Nays none.

Absent - Biernat.

Passed August 24, 2001. J. Cherryhomes, President of Council.

Approved August 30, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The **TRANSPORTATION & PUBLIC WORKS** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

**T&PW & W&M/Budget** – Your Committee, having under consideration traffic calming measures proposed for the Standish-Ericsson Neighborhood, now recommends:

1. Approval to install a single permanent City-standard speed hump mid-block on 30<sup>th</sup> Av between the intersections of E 40<sup>th</sup> St and E 41<sup>st</sup> St and between the intersections of E 41<sup>st</sup> St and E 42<sup>nd</sup> St, subject to funding reimbursement from the Standish Ericsson Neighborhood Revitalization Program and Roosevelt High School; and

2. Passage of the accompanying resolution increasing the Public Works - Transportation Capital appropriation by \$5,000 and increasing the revenue source to reflect that funding for the improvements will be reimbursed by NRP (\$2,500) and Roosevelt High School (\$2,500).

Adopted. Yeas, 11; Nays none.

Absent - Biernat.

Passed August 24, 2001.

Approved August 30, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

#### **RESOLUTION 2001R-382**

**By Mead & Campbell**

#### **Amending The 2001 Capital Improvement Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the PW - Transportation Capital Agency in the Permanent Improvement Projects Fund (4100-943-9440) by \$5,000 and increasing the revenue sources (4100-943-9440 - Source 3845) by \$2,500 and (4100-943-9440 - Source 3755) by \$2,500.

Adopted. Yeas, 11; Nays none.

Absent - Biernat.

Passed August 24, 2001. J. Cherryhomes, President of Council.

Approved August 30, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW & W&M/Budget** – Your Committee, having under consideration a report regarding plans for a new animal shelter facility and indicating that a combination of two adjacent properties at 1705 N 2<sup>nd</sup> St (owned by the Minneapolis Community Development Agency (MCDA)) and 212 17<sup>th</sup> Av (privately owned) could accommodate the facility, now recommends that the proper City officers be authorized to:

1. Acquire through negotiation or condemnation the property located at 212 17<sup>th</sup> Av;
2. Acquire through negotiation the property located at 1705 N 2<sup>nd</sup> St;

3. Enter into a Memorandum of Understanding with the MCDA for their assistance in the acquisition and land preparation of 1705 N 2<sup>nd</sup> St and 212 17<sup>th</sup> Av, provide reimbursement to the MCDA for their expenses in providing assistance, and provide to the MCDA reimbursement in the amount of \$41,677 for demolition costs previously invested in the site; and

4. Use the current Animal Shelter Project appropriation for costs associated with land acquisition, demolition and soil remediation.

Adopted. Yeas, 11; Nays none.

Absent - Biernat.

Passed August 24, 2001.

Approved August 30, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW & W&M/Budget** - Your Committee recommends acceptance of the following bids in accordance with City specifications (Petr No 267221):

a) OP #5677, low bid submitted by Lametti & Sons, Inc. for an estimated expenditure of \$75,000 for furnishing all labor, materials, equipment, and incidentals to accomplish pipe bursting of a sanitary sewer; and

b) OP #5664, low bid of Chief's Towing, Inc. for an estimated expenditure of \$500,000 to accomplish impound towing of vehicles from public or private property in Zone 4 at a cost of \$124.00 each.

Your Committee further recommends that the proper City officers be authorized to execute contracts for the above projects and/or services, in accordance with City specifications.

Adopted. Yeas, 11; Nays none.

Absent - Biernat.

Passed August 24, 2001.

Approved August 30, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW & W&M/Budget** - Your Committee, having under consideration acceptance of the low bid received on OP #5691 (Petr No 267221) submitted by Toter, Inc., in the amount of \$93,729.16 to furnish and deliver 238 fifty gallon decorative litter containers at price of \$393.82 each and \$93,729.16 total, all in accordance with City specifications, and authorizing execution of a contract, now recommends that said matter be **forwarded without recommendation**.

Johnson moved to amend the report by deleting the language, "forwarded without recommendation" and inserting in lieu thereof the word, "approved." Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted.

Yeas, 9; Nays, 2 as follows:

Yeas - Niland, Goodman, Colvin Roy, McDonald, Johnson, Thurber, Ostrow, Campbell, Cherryhomes.

Nays - Mead, Lane.

Absent - Biernat.

Passed August 24, 2001.

Approved August 30, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW & W&M/Budget** – Your Committee, having under consideration a report regarding the Nicollet Mall Station of the Light Rail Transit (LRT) Project and options for the station platform, conceptual architectural design and an easement agreement with OPUS Corporation, and also discussing funding needs for currently underfunded LRT related projects (Petr No 267220), now recommends approval of the following:

- Support for actions that will continue to preserve the option of a future north platform at the Nicollet Mall Station thereby allowing for future vertical circulation decisions and direction to the appropriate City staff to request a price quote from the Hiawatha Project Office (HPO) for the cost of an elevator pit and escalator pit under the Nicollet Mall platform;
- Passage of the accompanying resolution approving the Conceptual Architectural Design of the Nicollet Mall Station (as identified in Petr No 267220);

- That the appropriate City staff be directed to work with the Metropolitan Council, Minnesota Department of Transportation (MnDOT) and Hennepin County to identify funding strategies and secure commitments for future enhancement of the Nicollet Mall Station including construction of a north platform and vertical circulation and replacement public sidewalk easement;
- That from the list of currently unfunded LRT related projects discussed in Petn No 267220, funding be approved for the Nicollet Mall Station Elevator/Escalator Pit (\$30,000) and Modifications to 26th St at Highway 55 (\$250,000), through the use of Municipal State Aid (MSA) funds. Should the use of Public Works Capital Budget funds be required, staff will report back to the Transportation & Public Works and Ways & Means/Budget Committee with program adjustment options.

Your Committee further recommends:

**T&PW** - That the City Engineer be directed to transmit said Conceptual Architectural Design approval to HPO and that the letter of transmittal express the City's concern with the inadequate initial basic platform and track layout and limited functional design and express the City's contention that the HPO/Metropolitan Council need to share in the cost of future improvement in the Station including a north platform and vertical circulation and replacement public sidewalk easement; and that the following be **forwarded without recommendation**:

- That the proper City Officers be directed and authorized to enter into an Easement Agreement with OPUS Construction Corporation (OPUS) providing for the granting of an LRT-related easement by OPUS to the City for the purposes and with the terms as outlined in Petition No. 267220.

**W&M/Budget** - Your Committee further recommends that the following be **forwarded without recommendation**:

- That proper City Officers be directed and authorized to enter into an Easement Agreement with OPUS Construction Corporation (OPUS) providing for the granting of an LRT-related easement by OPUS to the City for the purposes and with the terms as outlined in Petition No. 267220.
- That the City Engineer be directed to transmit said Conceptual Architectural Design approval to HPO and that the letter of transmittal express the City's concern with the inadequate initial basic platform and track layout and limited functional design and express the City's contention that the HPO/Metropolitan Council need to share in the cost of future improvement in the Station including a north platform and vertical circulation and replacement public sidewalk easement.

Mead moved to substitute the following report for the above report. Seconded.

Adopted upon a voice vote.

**T&PW & W&M/Budget** – Your Committee, having under consideration a report regarding the Nicollet Mall Station of the Light Rail Transit (LRT) Project and options for the station platform, conceptual architectural design and an easement agreement with OPUS Corporation, and also discussing funding needs for currently underfunded LRT related projects (Petn No 267220), now recommends approval of the following:

a) Support for actions that will continue to preserve the option of a future north platform at the Nicollet Mall Station thereby allowing for future vertical circulation decisions and direction to the appropriate City staff to request a price quote from the Hiawatha Project Office (HPO) for the cost of an elevator pit and escalator pit under the Nicollet Mall platform;

b) Passage of the accompanying resolution approving the Conceptual Architectural Design of the Nicollet Mall Station (as identified in Petn No 267220);

c) That the appropriate City staff be directed to work with the Metropolitan Council, Minnesota Department of Transportation (MnDOT) and Hennepin County to identify funding strategies and secure commitments for future enhancement of the Nicollet Mall Station including construction of a north platform and vertical circulation and replacement public sidewalk easement;

d) That from the list of currently unfunded LRT related projects discussed in Petn No 267220, funding be approved for the Nicollet Mall Station Elevator/Escalator Pit (\$30,000) and Modifications to 26<sup>th</sup> St at Highway 55 (\$250,000), through the use of Municipal State Aid (MSA) funds. Should the use of Public Works Capital Budget funds be required, staff will report back to the Transportation & Public Works and Ways & Means/Budget Committee with program adjustment options;

e) That the City Engineer be directed to transmit said Conceptual Architectural Design approval to HPO and that the letter of transmittal express the City's concern with the inadequate initial basic platform and track layout and limited functional design and express the City's contention that the HPO/Metropolitan Council need to share in the cost of future improvement in the Station including a north platform and vertical circulation and replacement public sidewalk easement; and

f) That the proper City Officers be directed and authorized to enter into an Easement Agreement with OPUS Construction Corporation (OPUS) providing for the granting of an LRT-related easement by OPUS to the City for the purposes and with the terms as outlined in Petition No. 267220. This Easement Agreement to include specific provision for unconditional assignment by the City of its obligation to pay the easement price. Such assignment to be made to the State of Minnesota, the Minnesota Department of Transportation, the Metropolitan Council, Hennepin County or any other similar financially responsible governmental entity.

Mead moved to amend paragraph "f" by deleting all language after "Petition No. 267220" and inserting in lieu thereof the following:

"This Easement Agreement shall include specific provision for unconditional sale or assignment by the City of its obligation to pay the easement price. Such sale or assignment may be made to the State of Minnesota, the Minnesota Department of Transportation, the Metropolitan Council, Hennepin County or any other similar financially responsible governmental entity." Seconded.

Adopted upon a voice vote.

The substitute report, as amended, was adopted.

Yeas, 10; Nays, 1 as follows:

Yeas - Niland, Goodman, Colvin Roy, McDonald, Mead, Johnson, Thurber, Ostrow, Campbell, Cherryhomes.

Nays - Lane.

Absent - Biernat.

Passed August 24, 2001.

Approved August 30, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

#### **RESOLUTION 2001R-383**

**By Mead & Campbell**

#### **Approving the "Conceptual Design of the Architectural Elements for LRT Station Areas" for the proposed Nicollet Mall Station on the Hiawatha LRT Line.**

Whereas, the Supplementary Project Cooperation Agreement between the City, Minnesota Department of Transportation (MnDOT), and the Metropolitan Council provides that the Minneapolis City Council shall approve the "conceptual design of the architectural elements for LRT station areas"; and

Whereas, MnDOT has prepared conceptual design drawings of the architectural elements of the LRT stations in Minneapolis, has made modifications to the proposed design at the request of the City, and has requested City approval of these designs; and

Whereas, staff has worked with Council Members, the public, MnDOT, the Hiawatha Project Office (HPO) and the station engineers, architects, and artists on these designs and modifications and now recommends approval of one particular station area design; and

Whereas, staff is further directed to work with the HPO and the Arts Administrator for the Hiawatha Light Rail Transit Project to further develop and refine the art opportunities defined for this station;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the "conceptual design of the architectural elements for LRT station areas" for the proposed Nicollet Mall Station on the Hiawatha Light Rail Transit Line be approved.

Adopted. Yeas, 10; Nays, 1 as follows:

Yeas - Niland, Goodman, Colvin Roy, McDonald, Mead, Johnson, Thurber, Ostrow, Campbell, Cherryhomes.

Nays - Lane.

Absent - Biernat.



Passed August 24, 2001. J. Cherryhomes, President of Council.  
Approved August 30, 2001. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**T&PW & W&M/Budget** – Your Committee, having under consideration the City's policy regarding special assessment for sidewalk condemnation repairs, now recommends that sidewalk condemnation special assessments over \$1,500 be assessed over a ten year period (rather than the current five years), effective for sidewalk assessments levied and certified to the Hennepin County Auditor for taxes payable in 2002 and thereafter.

Your Committee further recommends that the proper City staff be directed to review the current City wide procedures for special assessments and report back with recommendations.

Adopted. Yeas, 11; Nays none.

Absent - Biernat.

Passed August 24, 2001.

Approved August 30, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The **WAYS & MEANS/BUDGET** Committee submitted the following reports:

**W&M/Budget** - Your Committee, having held a public hearing to discuss the reappointment of Ellen McVeigh to serve on the Minneapolis Civil Service Commission for the remainder of a three-year term to expire February 28, 2004, now recommends concurrence with the recommendation of the Executive Committee to approve said reappointment.

Adopted. Yeas, 11; Nays none.

Absent - Biernat.

Passed August 24, 2001.

Approved August 30, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee recommends acceptance of \$3,500,000 from the Section 108 Loan Guarantee Program of the United States Housing and Urban Development (HUD) Agency, on behalf of the Green Institute, to provide funds for outstanding debt from the remaining capital projects for the Phillips Eco-Enterprise Center, for creation of a building reserve for future maintenance of the center, and primarily for replacement of the current mortgage at an interest rate of 8.55%.

Your Committee further recommends that the proper City officers be authorized to execute the Section 108 Loan Agreement with HUD and to execute other sub-recipient agreements, as necessary to implement the project.

Your Committee further recommends passage of the accompanying Resolution increasing the Debt Service - Non-Departmental Agency appropriation and revenue estimate by \$3,500,000.

Adopted. Yeas, 10; Nays none.

Declining to Vote - Goodman.

Absent - Biernat.

Passed August 24, 2001.

Approved August 30, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

#### **RESOLUTION 2001R-384**

**By Campbell**

#### **Amending The 2001 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Debt Service - Non-Departmental Agency in the Bond Redemption Fund (5250-110-1110) by \$3,500,000, and increasing the Debt Service - Non-Departmental Agency revenue estimate in the Bond Redemption Fund (5250-110-1110-Source 3911) by \$3,500,000.

Adopted. Yeas, 10; Nays none.  
Declining to Vote - Goodman.  
Absent - Biernat.  
Passed August 24, 2001. J. Cherryhomes, President of Council.  
Approved August 30, 2001. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee recommends approval to fund the National League of Cities Human Development Steering Committee meeting, to be held September 27, 28, and 29, 2001, at a cost not to exceed \$10,000, payable from the Contingency Agency in the General Fund (0100-175-1750).

Campbell moved to amend the report to delete the language, "Contingency Agency in the General Fund (0100-175-1750)," and to insert in lieu thereof, the language, "Clerk/Council budget." Seconded.

Adopted upon a voice vote.  
The report, as amended, was adopted.  
Yeas, 11; Nays none.  
Absent - Biernat.  
Passed August 24, 2001.  
Approved August 30, 2001. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee recommends that a lawsuit filed against the City be settled and be payable to Rex Rogers and his attorney, Scott Seiler, in the amount of \$2,400, payable from the Self Insurance Fund (6900-150-1500-4000).

Adopted. Yeas, 11; Nays none.  
Absent - Biernat.  
Passed August 24, 2001.  
Approved August 30, 2001. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to execute change orders to the following contracts for additional work required on the Convention Center Expansion Project, with increased costs to be payable from the Convention Center Site Agency in the Permanent Improvement Projects Fund (4100-975-9751):

- a) Change Order #3 to Contract #14760 with Valley Building Products Company, increasing the contract by \$17,492, for a new contract total of \$1,196,477;
- b) Change Order #3 to Contract #14638 with M. G. McGrath, Inc., increasing the contract by \$16,239, for a new contract total of \$2,794,291;
- c) Change Order #4 to Contract #15489 with Crawford Door Sales Company, increasing the contract by \$3,001, for a new contract total of \$368,594;
- d) Change Order #4 to Contract #15024 with Shaw-Lundquist Associates, Inc, increasing the contract by \$67,000, for a new contract total of \$3,825,182;
- e) Change Order #7 to Contract #15023 with Shaw-Lundquist Associates, Inc, with no increase in the contract amount, for an unchanged total of \$6,805,973; and
- f) Change Order #8 to Contract #15023 with Shaw-Lundquist Associates, Inc, increasing the contract by \$16,226, for a new contract total of \$6,822,199.

Adopted. Yeas, 11; Nays none.  
Absent - Biernat.  
Passed August 24, 2001.  
Approved August 24, 2001. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.  
(Published August 28, 2001)

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to execute Change Order #1 to Contract #15261 with Grazzini Brothers & Company, relating to work required on

the Convention Center Expansion Project, decreasing said contract by \$1,757, for a new contract total of \$207,003, with said decrease to be reflected in the Convention Center Expansion Project budget, Convention Center Site Agency in the Permanent Improvement Projects Fund (4100-975-9751).

Adopted. Yeas, 11; Nays none.

Absent - Biernat.

Passed August 24, 2001.

Approved August 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published August 28, 2001)

**W&M/Budget** - Your Committee recommends approval to start Lane Carlson at Step B (after first year rate) of the salary schedule for the Minneapolis Convention Center Facility Operation(s) Manager position, based on the candidate's current salary and work experience.

Adopted. Yeas, 11; Nays none.

Absent - Biernat.

Passed August 24, 2001.

Approved August 30, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee, having received a Metropolitan Council Livable Communities Local Housing Incentives Account grant award, in the amount of \$150,000, now recommends the following:

a) that the proper City officers be authorized to execute a grant agreement with the Metropolitan Council relating to said grant award;

b) that the proper City officers be authorized to execute a Memorandum of Understanding with the Minneapolis Community Development Agency for implementation of said grant award; and

c) passage of the accompanying resolution increasing the Non-Departmental Agency appropriation and revenue estimate by \$150,000.

Adopted. Yeas, 11; Nays none.

Absent - Biernat.

Passed August 24, 2001.

Approved August 30, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

## **RESOLUTION 2001R-385**

**By Campbell**

### **Amending The 2001 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by:

a) increasing the appropriation for the Non-Departmental Agency in the Grants - Other Fund (0600-123-1232) by \$150,000, and increasing the Non-Departmental Agency revenue estimate in the Grants - Other Fund (0600-123-1232-Source 3215) by \$150,000; and

b) increasing the Inter-fund Transfer Agency in the Grants - Other Fund (0600-127-1270) by \$150,000, and increasing the Inter-fund Transfer Agency revenue estimate in the Grants - Other Fund (0600-127-1270-Source 3215) by \$150,000, for transfer to the MCDA.

Adopted. Yeas, 11; Nays none.

Absent - Biernat.

Passed August 24, 2001. J. Cherryhomes, President of Council.

Approved August 30, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your committee recommends acceptance of \$1,500 from the James Ford Bell Foundation to be used to support the Minneapolis Empowerment Zone Strategic Visioning Conference to be held on September 7, 2001 for the purpose of improving citizen input.

Your Committee further recommends passage of the accompanying resolution increasing the City Coordinator Agency appropriation and revenue estimate by \$1,500.

Adopted. Yeas, 11; Nays none.

Absent - Biernat.

Passed August 24, 2001.

Approved August 30, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2001R-386**

**By Campbell**

**Amending The 2001 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the City Coordinator Agency in the Grants - Other Fund (0600-840-8460) by \$1,500, and increasing the City Coordinator Agency revenue estimate in the Grants - Other Fund (0600-840-8460-Source 3720) by \$1,500, in support of the Minneapolis Empowerment Zone Strategic Visioning Conference.

Adopted. Yeas, 11; Nays none.

Absent - Biernat.

Passed August 24, 2001. J. Cherryhomes, President of Council.

Approved August 30, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee recommends approval to hire M. A. Mortenson as the Construction Manager for the New Minneapolis Central Library Project.

Your Committee further recommends that the proper City officers be authorized to execute a contract with M. A. Mortenson to provide construction management services, in an amount not to exceed \$4,699,510, payable from the Library Board Capital Referendum Agency in the Permanent Improvement - Library Fund (4400-908-9081).

Adopted. Yeas, 11; Nays none.

Absent - Biernat.

Passed August 24, 2001.

Approved August 30, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to negotiate and execute an agreement with Deloitte & Touche, LLP, to provide accounting consulting services to implement Statement #34, as set forth by the Governmental Accounting Standards Board (GASB 34), which requires thorough revision of the rules of governmental accounting and financial reporting standards, for an estimated amount of \$300,000, payable as follows:

a) \$150,000 to be payable from the Finance Department Agency (820), from various funds; and

b) \$150,000 to be included in the Finance Department's base budget proposal for 2002.

Adopted. Yeas, 11; Nays none.

Absent - Biernat.

Passed August 24, 2001.

Approved August 30, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to execute a 33-month lease agreement with CCT Building, LLC, to provide New Central Library Project office space at 15 South Fifth Street, Suite 210, commencing September 1, 2001 and expiring May 31, 2004, for the estimated amounts of \$54,763.56 for the first year, \$58,082.52 for the second year, and \$46,051.11 for the last nine months, for an estimated total amount of \$158,897.19, with two additional one-year renewal

options at current market rate and with the understanding that the yearly totals are estimated due to the variability of operating expenses, payable from the Library Board Capital Referendum Agency in the Permanent Improvement - Library Fund (4400-908-9081).

Adopted. Yeas, 11; Nays none.

Absent - Biernat.

Passed August 24, 2001.

Approved August 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published August 28, 2001)

**W&M/Budget** - Your Committee recommends approval to classify a new position as Central Library Program Coordinator, to be allocated to Grade 14 of the Staff Assistance Promotional Line.

Your Committee further recommends that the incumbent, Richard A. Johnson, be reclassified from Senior Project Manager to Central Library Program Coordinator, effective July 1, 2001.

Your Committee further recommends passage of the accompanying Salary Ordinance, setting the salary for said position, based on studies conducted by the Department of Human Resources.

Your Committee further recommends that summary publication of said ordinance be authorized.

Adopted. Yeas, 11; Nays none.

Absent - Biernat.

Passed August 24, 2001.

Approved August 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published August 28, 2001)

Ordinance 2001-Or-099, amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, setting the salary for the position of Central Library Program Coordinator, was passed August 24, 2001 by the City Council and approved August 24, 2001 by the Mayor. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2001-Or-099**  
**By Campbell**  
**1st & 2nd Readings: 8/24/2001**

**Amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel.**

Section 1. That the following classifications in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes effective January 1, 2001.

20.10.01 Council Jurisdiction.

The compensation of the listed classifications under City Council jurisdiction shall be provided in this Chapter.

The rates of pay herein provided shall be effective as of July 1, 2001, and January 1, 2002, except as hereinafter provided, and shall apply to all persons in the employ of the City on or after the enumerated effective date, including those who have since such date retired or have been laid off through no fault or delinquency of such employee, but shall not apply to any employee heretofore separated from the service by voluntary resignation or through fault or delinquency on the part of such employee.

The rates stated herein shall be the annual salary rates unless stated otherwise.

**NON-REPRESENTED (CNR)**

**Effective July 1, 2001**

Job Code	Exempt Classifications	FLSA/ OTC	P	6-month rate	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
01625C	Central Library Program Coordinator	E1	A	72,975	76,016	78,367	80,791	83,290	85,866	88,521	91,259

Section 2. That the following classifications listed in section 20.10.01 of the above-entitled ordinance be amended to make the following changes effective January 1, 2002:

**NON-REPRESENTED (CNR)**

**Effective January 1, 2002**

Job Code	Exempt Classifications	FLSA/ OTC	P	6-month rate	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
01625C	Central Library Program Coordinator	E1	A	75,347	78,487	80,914	83,417	85,997	88,657	91,398	94,225

Adopted. Yeas, 11; Nays none.

Absent - Biernat.

Passed August 24, 2001. J. Cherryhomes, President of Council.

Approved August 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee recommends approval to reclassify the position of Auto Body Repair Worker/Painter to Auto Body Technician, assigned to Grade 6 of the Equipment Repair and Maintenance Promotional Line.

Your Committee further recommends passage of the accompanying Salary Ordinance, setting the salary for said position, based on studies conducted by the Department of Human Resources.

Your Committee further recommends that summary publication of said ordinance be authorized.

Adopted. Yeas, 11; Nays none.

Absent - Biernat.

Passed August 24, 2001.

Approved August 30, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 2001-Or-100, amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, setting the salary for the position of Auto Body Technician, was passed August 24, 2001 by the City Council and approved August 30, 2001 by the Mayor. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2001-Or-100**  
**By Campbell**  
**1st & 2nd Readings: 8/24/2001**

**Amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel.**

Section 1. That the following classifications in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes effective July 30, 2001:

20.10.01 Council Jurisdiction.

The compensation of the listed classifications under City Council jurisdiction shall be provided in this Chapter.

The rates of pay herein provided shall be effective as of July 30, 2001, January 1, 2002 and January 1, 2003 except as hereinafter provided, and shall apply to all persons in the employ of the City on or after the enumerated effective date, including those who have since such date retired or have been laid off through no fault or delinquency of such employee, but shall not apply to any employee heretofore separated from service by voluntary resignation or through fault or delinquency on the part of such employee.

The rates stated herein shall be the hourly pay rates unless stated otherwise.

**International Union of Operating Engineers, Local 49 (CEQ)**

**Effective July 30, 2001**

<b>FLSA</b>	<b>OTC</b>	<b>CODE</b>	<b>CLASSIFICATION</b>	<b>P</b>	<b>5 Month Rate</b>	<b>1st STEP</b>
N	2	01170C	Auto Body Technician	H	20.062	20.898

**International Union of Operating Engineers, Local 49 (CEQ)**

**Effective January 1, 2002**

<b>FLSA</b>	<b>OTC</b>	<b>CODE</b>	<b>CLASSIFICATION</b>	<b>P</b>	<b>5 Month Rate</b>	<b>1st STEP</b>
N	2	01170C	Auto Body Technician	H	20.714	21.577

**International Union of Operating Engineers, Local 49 (CEQ)**

**Effective January 1, 2003**

<b>FLSA</b>	<b>OTC</b>	<b>CODE</b>	<b>CLASSIFICATION</b>	<b>P</b>	<b>5 Month Rate</b>	<b>1st STEP</b>
N	2	01170C	Auto Body Technician	H	21.387	22.278

Adopted. Yeas, 11; Nays none.

Absent - Biernat.

Passed August 24, 2001. J. Cherryhomes, President of Council.

Approved August 30, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to execute a two-year contract with Hennepin County providing for City production of a video entitled, "A Public Health Journal," with said video to include information for residents of the seven county area that would include, but not be limited to, important public health information relating to services provided by various public health offices, immunizations and health insurance coverage for children, and anti-smoking campaigns, with payment for said production to be provided by Hennepin County, in the amount of \$32,160.

Adopted. Yeas, 11; Nays none.

Absent - Biernat.

Passed August 24, 2001.

Approved August 30, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee recommends acceptance of the \$5,000 balance from Neighborhood Revitalization Program funds from the Minneapolis Community Development Agency (MCDA) for the Planning Department to work with the Midtown Phillips Council to develop a comprehensive community plan for the Midtown area.

Your Committee further recommends passage of the accompanying resolution increasing the Planning Department Agency appropriation and revenue estimate by \$5,000.

Adopted. Yeas, 11; Nays none.  
Absent - Biernat.  
Passed August 24, 2001.  
Approved August 30, 2001. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**RESOLUTION 2001R-387**  
**By Campbell**

**Amending The 2001 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:  
That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Planning Department Agency in the Grants - Other Fund (0600-380-3820) by \$5,000, and increasing the Planning Department Agency revenue estimate in the Grants - Other Fund (0600-380-3820-Source 3840) by \$5,000.

Adopted. Yeas, 11; Nays none.  
Absent - Biernat.  
Passed August 24, 2001. J. Cherryhomes, President of Council.  
Approved August 30, 2001. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to execute Amendment #1 to Contract #14949 with SRF to amend the scope of services relating to transit-oriented design and development within one-half mile of the light rail transit (LRT) station platform location at Franklin Avenue, to extend the contract through March 30, 2002, and to increase the amount by \$30,000.

Your Committee further recommends that the proper City officers be authorized to execute Amendment #1 to Project Funding Agreement #13964 with the Metropolitan Council to provide an additional \$30,000 for said transit-oriented design and development.

Your Committee further recommends passage of the accompanying resolution increasing the Planning Department Agency appropriation and revenue estimate by \$30,000.

Adopted. Yeas, 11; Nays none.  
Absent - Biernat.  
Passed August 24, 2001.  
Approved August 30, 2001. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**RESOLUTION 2001R-388**  
**By Campbell**

**Amending The 2001 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:  
That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Planning Department Agency in the Grants - Other Fund (0600-380-3820) by \$30,000, and increasing the Planning Department Agency revenue estimate in the Grants - Other Fund (0600-380-3820-Source 3215) by \$30,000.

Adopted. Yeas, 11; Nays none.  
Absent - Biernat.  
Passed August 24, 2001. J. Cherryhomes, President of Council.  
Approved August 30, 2001. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.



**W&M/Budget** - Your Committee, having under consideration the 13<sup>th</sup> and Harmon Housing Project (Village Green), now recommends passage of the accompanying resolution establishing an appropriation for Fund CHA (13<sup>th</sup> & Harmon), in the amount of \$2,400,000 and a Revenue Budget for Fund CHA, in the amount of \$2,400,000.

Adopted. Yeas, 11; Nays none.

Absent - Biernat.

Passed August 24, 2001.

Approved August 30, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2001R-389**

**By Campbell**

**Amending The 2001 Minneapolis Community Development Agency Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by establishing an Appropriation for Fund CHA (13<sup>th</sup> & Harmon), in the amount of \$2,400,000 and establishing a Revenue Budget for Fund CHA, in the amount of \$2,400,000.

Adopted. Yeas, 11; Nays none.

Absent - Biernat.

Passed August 24, 2001. J. Cherryhomes, President of Council.

Approved August 30, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee recommends acceptance of the low bid received on OP #5687 (Petr No 267236), submitted by Alpha Video and Audio, Inc., in the amount of \$323,925, to furnish all labor, materials, equipment and incidentals necessary to complete renovation of the audio-visual system for the City Council, all in accordance with bid specifications.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for said service, all in accordance with specifications prepared by Jamieson and Associates, Inc.

Adopted. Yeas, 11; Nays none.

Absent - Biernat.

Passed August 24, 2001.

Approved August 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published August 28, 2001)

**W&M/Budget** - Your Committee, having concurred with the recommendation of the New Central Library Implementation Committee (by Council action of August 20, 2001) to approve selection of the following three design firms as finalists for design of the new Minneapolis Central Library, to be invited for a second interview:

- a) Ellerbe Becket/Meyer, Scherer and Rockcastle;
- b) RSP Architects/Hardy Holzman Pfeiffer;
- c) Cesar Pelli/Architectural Alliance;

and having received information that the New Central Library Implementation Committee, at its regular meeting of August 21, 2001, reaffirmed selection of the above-listed finalists (who received the most votes at its August 7, 2001 meeting), now recommends City Council confirmation and ratification of said selection.

Adopted. Yeas, 10; Nays none.

Declining to Vote - Niland.

Absent - Biernat.  
Passed August 24, 2001.  
Approved August 30, 2001. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.

The **ZONING & PLANNING** Committee submitted the following reports:

**Z&P** - Your Committee, having under consideration the appeal of Loren and Shesh Aandahl (Z-163) from the decision of the Board of Adjustment denying a variance for increased fence height from 6 ft to 8 ft along the north property line at 4525 Fremont Av S, and having received information that the Aandahls and their neighbors at 4517 Fremont Av S, the Langdons, have reached agreement, now recommends that a variance be granted to allow a 7 foot fence, provided that the fence shall not extend west of the southeastern corner of the dwelling at 4517 Fremont Av S, notwithstanding the decision of the Board of Adjustment. (Petr No 267240).

Adopted. Yeas, 11; Nays none.

Absent - Biernat.  
Passed August 24, 2001.  
Approved August 30, 2001. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**Z&P** - Your Committee, having under consideration the application of Mount Olivet Lutheran Church (Vac #1363) to vacate a part of Knox Av S from W 50th St to mid-block (between W 50th Street and Minnehaha Creek) to allow entrance and access to the church's parking lot, now concurs in the recommendation of the Planning Commission to adopt the findings set forth in Petr No 267241 and to grant said vacation, subject to retention of easement rights by Reliant Energy Minnegasco and the City.

Your Committee further recommends passage of the accompanying resolution vacating said alley and publication of the resolution in summary form.

Adopted. Yeas, 11; Nays none.

Absent - Biernat.  
Passed August 24, 2001.  
Approved August 30, 2001. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.

Resolution 2001R-390, entitled "Vacating a part of Knox Avenue South from West 50th Street to mid-block (between West 50th Street and Minnehaha Creek). (Vac #1363)," was passed August 24, 2001 by the City Council and approved August 30, 2001 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2001R-390**  
**By McDonald**

**Vacating a part of Knox Avenue South from West 50<sup>th</sup> Street to mid-block (between West 50<sup>th</sup> Street and Minnehaha Creek). (Vac #1363)**

Resolved by The City Council of The City of Minneapolis:

That all that part of Knox Avenue South lying between the north line extended of Lot 1, Block 4, "Falk's Lafayette Terrace" Minneapolis, Minnesota, and a line parallel to and forty feet north of the south line of Lot 6, Block 4, "Falk's Lafayette Terrace" Minneapolis, Minnesota is hereby vacated except that such vacation shall not affect the existing easement right and authority of the City of Minneapolis and Minnegasco, their successors and assigns, to enter upon that portion of the aforescribed street which is described in regard to each of said corporations as follows, to wit:

As to City of Minneapolis: The east 25 feet of the west 1/2 of the vacated area and the west 10 feet of the east 1/2 of the vacated area,

As to Minnegasco: The east half of that part of Knox Avenue South, to operate, maintain, repair, alter, inspect or remove its above-described utility facilities and said easement right and authority is hereby expressly reserved to each of the above-named corporations and the City of Minneapolis, and no other person or corporation shall have the right to fill, excavate, erect buildings or other structures, plant trees or perform any act which would interfere with or obstruct access to said street upon or within the above-described areas without first obtaining the written approval of the corporations and the Director of Public Works of the City of Minneapolis having utility facilities located within the area involved authorizing them to do so.

Where the area described above in regard to any of the other corporations, or any part thereof lies within the area described above in regard to the City of Minneapolis, the rights reserved to the other corporation or corporations shall be subordinate to the rights reserved to the City of Minneapolis to the same extent that said rights would be subordinate if this street had not been vacated.

Adopted. Yeas, 11; Nays none.

Absent - Biernat.

Passed August 24, 2001. J. Cherryhomes, President of Council.

Approved August 30, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** – Your Committee, having under consideration the application of Greater Minneapolis Metropolitan Housing Corporation (BZZ-187) to rezone property at 140 8th Av NE from the R5 to the R4 Multi-family District to permit construction of a single family house, now concurs in the recommendation of the Planning Commission to adopt the related findings set forth in Petn No 267241 and to approve said application. (64413)

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code and publication of the ordinance in summary form.

Adopted. Yeas, 11; Nays none.

Absent - Biernat.

Passed August 24, 2001.

Approved August 30, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 2001-Or-101, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 140 8th Av NE to the R4 district, was passed August 24, 2001 by the City Council and approved August 30, 2001 by the Mayor. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2001-Or-101**  
**By McDonald**  
**1st & 2nd Readings: 8/24/2001**

**Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

A. That part of the Northeasterly 38.2 feet of Lots 6 & 7, Block 9, Bottineau's Addition (140 8th Av NE - Plate 14) to the R4 District.

Adopted. Yeas, 11; Nays none.

Absent - Biernat.

Passed August 24, 2001. J. Cherryhomes, President of Council.  
Approved August 30, 2001. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**Z&P** – Your Committee, having under consideration the application of Mohamed Ibrahim (BZZ-86) to rezone the south lot of the 3 lots at 2000 3rd Av S from the OR2 district to the C1 District to permit accessory parking on the south lot to serve the existing Amoco automobile convenience store on the north two lots, now concurs in the recommendation of the Planning Commission to adopt the related findings set forth in Petn No 267241 and to approve said application. (64414)

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code and publication of the ordinance in summary form.

Adopted. Yeas, 11; Nays none.

Absent - Biernat.

Passed August 24, 2001.

Approved August 30, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 2001-Or-102, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the south lot of the property at 2000 3rd Av S to the C1 district, was passed August 24, 2001 by the City Council and approved August 30, 2001 by the Mayor. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2001-Or-102**  
**By McDonald**  
**1st & 2nd Readings: 8/24/2001**

**Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

A. That part of Lot 3, Block 1, Remington's Addn to Mineapolis (2000 3rd Av S - Plate 20) to the C1 District.

Adopted. Yeas, 11; Nays none.

Absent - Biernat.

Passed August 24, 2001. J. Cherryhomes, President of Council.

Approved August 30, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** - Your Committee, having under consideration the appeal of Allison S Little and others from the decision of the Planning Commission approving the application of Bobby & Steve's Auto World for a conditional use permit and site plan review to allow an automobile convenience facility, minor automobile repair and car wash at 5801 Nicollet Av S (BZZ-89), and having conducted a public hearing thereon, now recommends that the appeal be granted and that the application for conditional use permit and site plan review be denied in accordance with the Findings of Fact prepared by the City Attorney's Office and on file in the Office of the City Clerk and made a part of this report by reference. (Petn No 267244)

Adopted. Yeas, 11; Nays none.

Absent - Biernat.

Passed August 24, 2001.

Approved August 30, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** - Your Committee, having under consideration vacancies on the Real Estate Advisory Board (Petr No 267238), now recommends that the following people be reappointed to the Board for terms to expire December 31, 2002:

Paul L Sigurdson, 2722 Grand St NE (Ward 3)

Matt Dawson, 4632 Bloomington Av S (Ward 11)

Patricia A Werner, 2828 Humboldt Av S (Ward 7)

Christine Murphy-Jones, 3208 Oakland Av S (Ward 8)

Thomas A Bain, 4253 Washburn Av N (Ward 4)

Steve Havig, 2124 Fremont Av S (Ward 7)

Your Committee further recommends that the following people be reappointed to the Board for terms to expire December 31, 2003:

Jean Leake, 2401 Upton Av S (Ward 8)

Jan M Russell, 3804 43rd Av S (Ward 12)

Sandy Loescher (formerly Green), 2626 Portland Av S (Ward 8)

Pauline Rohrman, 4432 Harriet Av (Ward 11)

Adopted. Yeas, 11; Nays none.

Absent - Biernat.

Passed August 24, 2001.

Approved August 30, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** - Your Committee concurs in the recommendation of the review committee established pursuant to Section 599.120 of the Minneapolis Code of Ordinances to appoint Todd Grover, 2109 22nd Av S (Ward 2), to complete the unexpired term of Royce Yeater on the Heritage Preservation Commission. That term is due to expire June 1, 2003. (Petr No 267240)

McDonald moved that the report be referred back to the Zoning & Planning Committee. Seconded.

Adopted upon a voice vote.

**Z&P** - Your Committee, having under consideration the appeal of Alliant Engineering Inc on behalf of Stremel Manufacturing from the decision of the Planning Commission approving with conditions a site plan permit at 1323 and 1409-1411 Washington Av N (BZZ-155), specifically appealing Condition #3 which provides that the front wall of the building facing Washington Av shall contain 30% windows and that the windows shall be between 2 and 10 ft from the ground; and having conducted a public hearing thereon, now recommends that the appeal be granted and Condition #3 be deleted from the site plan permit, notwithstanding the decision of the Planning Commission. (Petr No 267242)

Adopted. Yeas, 11; Nays none.

Absent - Biernat.

Passed August 24, 2001.

Approved August 30, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** - Your Committee, having under consideration the appeal of William Costello from the decision of the Board of Adjustment denying his application for variance of the required front yard setback from 20 ft to 7 ft 3-1/2 in to permit an existing, 24 ft x 6 ft deck to remain at 4442 Pillsbury Av S (Z-161), and having conducted a public hearing thereon, now recommends that the appeal be granted and the variance be approved, notwithstanding the decision of the Board of Adjustment. (Petr No 267240)

Adopted. Yeas, 11; Nays none.

Absent - Biernat.

Passed August 24, 2001.

Approved August 30, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** - Your Committee recommends granting the application of The Clothes Line, 2901 Hennepin Av, for a special permit for a temporary second hand goods location in Calhoun Square from June 15 to September 30, 2001 during construction of the layover facility. (#2001-076).

Adopted. Yeas, 11; Nays none.

Absent - Biernat.

Passed August 24, 2001.

Approved August 30, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** - Your Committee recommends denying the application of The Committee, Inc for a special permit to install a 20 ft by 30 ft advertising sign mounted at southwest corner of rooftop at 701-1st Av. (#2001-102).

McDonald moved that the report be postponed. Seconded.

Adopted upon a voice vote.

### **Motions**

McDonald moved to waive the 14-day filing time as required by Chapter 455 of the Minneapolis Code of Ordinances for applicant Nona Peterson for a residential block event to be held Saturday, August 18, 2001, between the hours of 5:00 and 10:00 p.m. on Fremont Avenue South between 35<sup>th</sup> and 36<sup>th</sup> Streets, having approval granted by the Public Works Department to grant said waiver. Seconded.

Adopted. Yeas, 11; Nays none.

Absent - Biernat.

Passed August 24, 2001.

Approved August 30, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Niland moved to amend the Council action of July 27, 2001, relating to endorsement of Metropolitan Council Opportunity Grant applications on behalf of Minneapolis community-based organizations and projects (Petr No 267115), by including in the list of City authorized project applications the Somali-Benadiri Live-Work Project, in the amount requested of \$75,000, for project design. Seconded.

Adopted. Yeas, 11; Nays none.

Absent - Biernat.

Passed August 24, 2001.

Approved August 30, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Ostrow introduced the subject matter of an Ordinance amending Title 20, Chapter 551 of the Minneapolis Code of Ordinances relating to Zoning Code: Overlay Districts, which was given its first reading and referred to the Zoning & Planning Committee (Amending Article II relating to pedestrian oriented overlay districts).

Mead moved to amend Resolution 81R-361 entitled, "Establishing a city-wide stop sign plan and policy." passed by the City Council on August 28, 1981, by deleting Paragraph 5. Seconded.

Campbell moved a substitute motion to refer the subject matter of Resolution 81R-361 to the Transportation & Public Works Committee. Seconded.

Lost. Yeas, 5; Nays, 6 as follows:

Yeas - Goodman, Colvin Roy, Johnson, Campbell, Cherryhomes.

Nays - Niland, McDonald, Mead, Lane, Thurber, Ostrow.

Absent - Biernat.

On Mead's motion to amend Resolution 81R-361, it lost. (2/3 vote required to rescind prior action without notice)

Yeas, 7; Nays, 4 as follows:

Yeas - Niland, Mead, Lane, Thurber, Ostrow, Campbell, Cherryhomes.

Nays - Goodman, Colvin Roy, McDonald, Johnson.

Absent - Biernat.

Lane moved to reconsider the vote on the motion to refer the subject matter of Resolution 81R-361 to the Transportation & Public Works Committee. Seconded.

Adopted upon a voice vote.

On Campbell's substitute motion to refer the subject matter of Resolution 81R-361 to the Transportation & Public Works Committee, it was adopted upon a voice vote.

#### **Unfinished Business**

Arnold Gregory: Passage of Resolution vacating alley bounded by 1<sup>st</sup> Av NE, 2<sup>nd</sup> Av NE, Main St NE & 2<sup>nd</sup> St NE to permit condominiums & townhomes in residential development. (8 votes) (Postponed 7/13/2001, Z&P)

Great Brakes (3326 University Av SE): Revoke Site Plan Review Permit SP-44 and Motor Vehicle Repair Garage License for failure to complete site plan review process. (Postponed 8/10/2001, PS&RS)

McDonald moved that the above two reports continue to be postponed. Seconded.

Adopted upon a voice vote.

#### **New Business**

Mead introduced an Ordinance amending Title 3, Chapter 48 of the Minneapolis Code of Ordinances relating to *Air Pollution and Environmental Protection: Minneapolis Watershed Management Authority*, which was given its first reading and referred to the Public Safety & Regulatory Services Committee (Amending Section 48.10 to improve and increase our knowledge and access to information on chemicals, their uses, and releases to the environment at facilities.)

Goodman introduced an Ordinance amending Title 16, Chapter 420 of the Minneapolis Code of Ordinances relating to *Planning and Development: Public Housing Authority*, which was given its first reading and referred to the Community Development Committee (Amending sections relating to senior rental housing).

Campbell moved to adjourn. Seconded.

Adopted. Yeas, 11; Nays none.

Absent - Biernat.

Adjourned.

MERRY KEEFE,  
City Clerk.